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Thirty-fourth Session, 1930

5th to 7th, 10th and 11th February, 1930

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Colonel the Right Hon'ble Sir FRANCIS STANLEY JACKSON, P.C., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Mr. A. N MOBERLY, C.I.E., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Judicial.

The Hon'ble Mr. A MARR, C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.

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1. **Land Revenue.**
2. **Land Acquisition.**
3. **Excluded Areas.**
4. **Jails.**
5. **Legislative.**

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1. **Emigration.**
2. **Immigration.**
3. **Jurisdiction.**
4. **Haj Pilgrimage.**
5. **Forests.**
6. **Irrigation.**

MINISTERS.

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1. Local Self-Government
2. Excise.

The Hon'ble Khan Bahadur K. G. M. FAROQUI, in charge of the following portfolios:—

1. Agriculture and Industries (excluding Excise).
2. Public Works.

The Hon'ble MR. KHWAJA NAZIMUDDIN, C.I.E., in charge of the following portfolios:—

1. Education.
2. Registration.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh.

DEPUTY PRESIDENT.

Mr. RAZAUR RAHMAN KHAN, B.L.

Panel of Chairmen for the Thirty-fourth Session.

1. Mr. W. L. TRAVERS, C.I.E., O.B.E.
2. Sir JADUNATH SARKAR, KT., C.I.E.
3. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur.
4. Mr. A. F. RAHMAN.

Secretary to the Council—J. BARTLEY, I.C.S.

Assistant Secretaries to the Council—A. M. HUTCHISON and K. N. MAJUMDAR.

Registrar to the Council—J. W. McKAY.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Ahmed, Maulvi Shamsuddin. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Ali, Maulvi Hasan. [Dinajpur (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]

B

Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
Banerji, Mr. P. [24-Parganas Rural South (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur West (Non-Muhammadan).]
Basir Uddin, Maulvi Mohammed. [Rajshahi North (Muhammadan).]
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]

C

Cassells, Mr. A. (Nominated Official.)
Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman. [Faridpur North (Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)
Chaudhuri, Maulvi Ashrafuddin. [Tippera North (Muhammadan).]
Choudhury, Maulvi Nural Absar. [Chittagong North (Muhammadan).]
Chowdhury, Haji Badi Ahmed. [Chittagong South (Muhammadan).]
Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]
Clark, Mr. I. A. (Indian Mining Association.)
Cohen, Mr. D. J. (Nominated Non-official.)
Colman, Mr. E. R. (Indian Tea Association.)
Cooper, Mr. C. G. (Indian Jute Mills Association.)

D

Dain, Mr. G. R. (Bengal Chamber of Commerce.)
Dash, Mr. A. J. (Nominated Official.)

E

Easson, Mr. G. A. (Nominated Official.)
Ensufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

F

Faroqui, the Hon'ble Khan Bahadur K. G. M. [Minister.] [Tippera South (Muhammadan).]
Faslullah, Maulvi Muhammad. [Noakhali West (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Ganguli, Rai Sahib Susil Kumar. (Nominated official.)
Ghosh, Mr. M. C. (Nominated Official.)
Ghosh, Rai Bahadur Shashanka Kumar. (Dacca University.)
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim, KT. (Member, Executive Council.)
Gilchrist, Mr. R. N. (Nominated Official.)
Goenka, Rai Bahadur Badridas, C.I.E. (Bengal Marwari Association.)
Guha, Babu Profulla Kumar. [24-Parganas Municipal North (Non-Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]
Gurner, Mr. C. W. (Nominated Official.)

H

Habibullah, Nawab Khwaja. [Dacca City (Muhammadan).]
Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Hashemy, Maulvi Syed Jalaluddin. [Khulna (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Hogg, Mr. G. P. (Nominated Official.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Huq, Khan Sahib Maulvi Bazlul. [Noakhali East (Muhammadan).]
Huq, Mr. A. K. Fazl-ul. [Bakarganj West (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)
Hutchings, Mr. R. H. (Nominated Official.)

I

Insch, Mr. J. (Bengal Chamber of Commerce.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Khan, Khan Sahib Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]
*Khan, Mr. Nasaur Rahman, B.L. [Dacca East Rural (Muhammadan).]

L

Laird, Mr. R. B. (Bengal Chamber of Commerce.)
Lal Muhammad, Haji. [Rajshahi South (Muhammadan).]
Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)
Leslie, Mr. M. (Calcutta Trades Association.)

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]
Mallik, Mr. Mukunda Behari (Nominated Non-official.)
Marr, the Hon'ble Mr. A., C.I.E. (Member, Executive Council.)
McCluskie, Mr. E. T. (Anglo-Indian.)
Mitter, the Hon'ble Sir Provash Chunder, KT., C.I.E. (Member, Executive Council.)
Moberly, the Hon'ble Mr. A. N., C.I.E. (Member, Executive Council.)
Mukharji, Rai Bahadur Satish Chandra. [Hooghly Rural (Non-Muhammadan).]

N

Nag, Reverend B. A. (Nominated Non-official.)
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Nazimuddin, the Hon'ble Mr. Khwaja, C.I.E. [Minister.] [Bakarganj South (Muhammadan).]

O

Ordish, Mr. J. E. [Dacca and Chittagong (European).]
Ormond, Mr. E. C. [Burdwan and Presidency (European).]

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* Deputy President, Bengal Legislative Council.

P

Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]
Prentice, Mr. W. D. R., C.I.E. (Nominated Official.)

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Rahman, Mr. A. F. [Rangpur West (Muhammadan).]
Rahman, Mr. A. F. M. Abdur. [24-Parganas Rural (Muhammadan).]
Raikat, Mr. Prosanna Deb. [Jalpaiguri (Non-Muhammadan).]
Ray, Maharaja Jagadish Nath, of Dinajpur. [Dinajpur (Non-Muhammadan).]
Ray, the Hon'ble Kumar Shib Shekhareswar. [Minister.] (Rajshahi Landholders.)
Ray Chaudhuri, Babu Sanat Kumar. [24-Parganas Rural North (Non-Muhammadan).]
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)
*Ray Chaudhuri, the Hon'ble Raja Manmatha Nath, of Santosh. (Dacca Landholders.)
Rose, Mr. G. F. (Indian Jute Mills Association.)
Rout, Babu Hoseni. [Midnapore North (Non-Muhammadan).]
Roy, Babu Satyendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Roy, Mr. Bijoy Prasad Singh. [Burdwan South (Non-Muhammadan).]
Roy, Mr. D. N., Bar-at-Law. [Jessore South (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy, Mr. Shanti Shekhareswar. [Malda (Non-Muhammadan).]
Roy Choudhuri, Babu Hem Chandra. [Noakhali (Non-Muhammadan).]
Roy Choudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]
Roy Chowdhury, Babu Satish Chandra. [Mymensingh East (Non-Muhammadan).]
Rushforth, Mr. F. V. [Presidency and Burdwan (European).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sahana, Babu Satya Kinkar. [Bankura East (Non-Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]

* President of the Bengal Legislative Council.

Sarkar, Sir Jadunath, KT., C.I.E. (Nominated Non-official.)
Sarkar, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sen, Mr. J. M. (Expert, nominated.)
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]
Skinner, Mr. S. A. (Bengal Chamber of Commerce.)
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Singh, Srijut Taj Bahadur. [Murshidabad (Non-Muhammadan).]
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Stapleton, Mr. H. E. (Nominated Official.)
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

T

Tate, Major General Godfrey, M.B., K.H.S., I.M.S. (Nominated Official.)
Thompson, Mr. W. H. (Bengal Chamber of Commerce.)
Travers, Mr. W. L., C.I.E., O.B.E. [Rajshahi (European).]
Twynam, Mr. H. J. (Nominated Official.)

W

Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Thirty-fourth Session.)

Volume XXXIV—No. 1.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 5th February, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 79 nominated and elected members.

Oaths or affirmations.

The following members made an oath or affirmation of their allegiance to the Crown:—

Mr. W. D. R. Prentice, C.I.E., I.C.S.
Mr. R. H. Hutchings, I.C.S.
Rai Sahib Susil Kumar Ganguli.
Mr. W. C. Wordsworth.
Mr. I. A. Clark.
Mr. J. E. Ordish.
Maulvi Abdul Karim.
Mr. C. G. Cooper.
Maharaja Jagadish Nath Roy, of Dinajpur.
Seth Hunuman Prosad Poddar.
Rai Satish Chandra Mukharji Bahadur.
Babu Kishori Mohan Chaudhuri.
Dr. Jogendra Chandra Chaudhuri.
Babu Satyendra Nath Roy.
Babu Hoseni Rout.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session:—

(1) Mr. W. L. TRAVERS, C.I.E., O.B.E.

(2) Sir JADUNATH SARKAR, Kt., C.I.E.

(3) Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur.

(4) Mr. A. F. RAHMAN.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Obituary Reference.

Mr. PRESIDENT: Order, order. Gentlemen of the Council, according to the practice of this Council it is my melancholy duty to offer the last tribute to the memory of two worthy sons of Bengal.

The Maharaja Sir Manindra Chandra Nandy, K.C.I.E., of Kasimbazar, died on the 12th November, 1929, at his Calcutta residence at the ripe old age of 70 and Babu Surendra Nath Roy of Behala on the 11th November, 1929, at about the same age.

The late Maharaja of Kasimbazar was born in 1860 and succeeded to the *gudee* of Kasimbazar in 1897 on the death of Maharani Swarnamoyee of revered memory. The title of "Maharaja" was conferred on him in 1898 and that of "K.C.I.E." in 1915. The late Maharaja took a keen interest in public and political affairs. He was the Chairman of the Berhampore Municipality from 1900 to 1915 and of the Murshidabad District Board from 1922 till the day of his death. He was a nominated member of the Bengal Legislative Council under the old constitution on the recommendation of the British Indian Association during 1901-1903 and was a member elected by the Landholders of the Presidency and Burdwan Divisions during 1909-1912. He was an additional member of the Legislative Council of the Governor-General from the year 1913 to 1921 elected thereto by the landholders of this Presidency and a Member of the Council of State from 1921 to 1923 elected by the West Bengal (Non-Muhammadan) constituency. He was to the time of his death the President of the British Indian Association and a Vice-President of the Bengal National Chamber of

Commerce. He was Honorary Fellow of the Calcutta University; President, All-India Hindu Sabha,, President, Bengal Landholders' Association, Calcutta, 1922 and 1923, President, Murshidabad Association since 1897, President, All-India Exhibitions, Calcutta, 1918, 1922.

To the cause of education he was a most generous contributor. He spent over a crore of rupees in this direction. The Berhampore Krishnath College with its boarding and the Collegiate School, the Polytechnic Institute in Calcutta, the School of Mines at Ethora, a Chair of History in the Benares Hindu University and one of Science in Sir Jagadish Bose's Laboratory in Calcutta and his pecuniary help to a large number of colleges and schools testify to his liberality in maintaining the family tradition established by the late Maharanee Swarnamoyee. No less did he contribute to the industrial development of his country. He opened the first Calcutta Exhibition organised by the Indian National Congress in 1918. He assisted students to obtain training in industries in England and foreign countries. He gave his patronage to the Association for the Scientific and Industries Education of the Indians, the Bengal Technical Institute and a number of other institutions. The Bengal Potteries, Ltd., the Rajgaon Stone Works and the Chaibassa China Clay Factory and other concerns owe their existence to the late Maharaja Bahadur.

In the field of literature his inspiration led to the establishment of the *Sahitya Sanmilan* and the Bangiya Sahitya Parishad. Amongst his own publications are "Upasana;" "B. S. Panjika," the "Indian Medical Plant;" a "History of Indian Philosophy;" "Great *Baisnava Granthas;*" "*Sree Mat-Bhaghat Geeta*, Part X;" "Fundamental Unity of India" and the "History of Indian Shipping and Maritime Activity."

For the relief of suffering humanity, he established the Curzon Charitable Hospital at Kasimbazar and dispensaries at several other places. He was one of the chief contributors to the Albert Victor Hospital at Calcutta. He did much to afford relief to disabled soldiers in the field during the Great War.

His was a devotedly religious soul and caused many Sanskrit books on *Vaishnavism* to be edited and translated.

By his death Bengal has lost a true son and the Hindu community an ardent, religious and fearless patron.

Babu Surendra Nath Ray of Behala was born in 1862. He enrolled himself as a Vakil in the High Court of Calcutta in 1883 and had a good practice there but his attention and energy were concentrated no less on public service than on his profession. He was an elected Commissioner of the Calcutta Corporation in 1896. In 1900 he became

the Chairman of the Behala Municipality, a position he held till the day of his death. He was the first elected Vice-Chairman of the Garden Reach Municipality and of the Sanitary Board, Bengal, and an elected member of the District Board and Local Board of the 24-Parganas. He was a member of the Bengal Legislative Council for the years 1913 to 1919 elected by the Municipal Commissioners of the Presidency Division. From the year 1921 up to the date of the dissolution of the last Council in April, 1929, he was an elected member to the Legislative Council of Bengal under the present constitution and retired from this field of work at the last general election owing to ill-health. He was the first elected Deputy President of the first reformed Legislative Council of Bengal in 1921 and occupied the Chair of the Council for about 8 months during the absence owing to illness of the then President the late Hon'ble Nawab Sir Syed Shamsul-Huda. In the Bengal Legislative Council he was a diligent worker in Select Committees. He was the Chairman of the High Prices Inquiry Committee, was elected by the Bengal Legislative Council to report on the Meston Award to the Government of India and was elected representative of the Bengal Legislative Council on the High Court Retrenchment Committee. He was the Chairman of the Committee for the release of Political Prisoners and elected representative of this Council to the Indian Institute of Science at Bangalore. He took a prominent part in the passing in 1919 of an Act enabling municipalities to provide for free and compulsory primary education.

Gentlemen! We have to mourn the loss of another gentleman who associated himself with the public activities in Bombay and Calcutta. This was Sir Frederick Dumayne who was member of the Bengal Legislative Council under the old constitution from 1910 to 1913. He was connected with the Bombay Port Trust for many years and afterwards became Vice-Chairman of the Commissioners for the Port of Calcutta, a position which he continued to hold from 1901 to 1913. During this period he was also connected with the Bank of Bengal first as Director and then as Vice-President and was a member of the Calcutta Improvement Trust. He retired from India in 1913.

[3-15 p.m.]

With your permission, gentlemen, I propose to convey the sympathy of this Council to the families of the deceased. I now request you, gentlemen, to show your respect to their memory by kindly rising in your places.

[All the members then rose in their places.]

Mr. PRESIDENT: Thank you, gentlemen. The Secretary will please take the usual steps.

Starred Questions

(to which oral answers were given.)

Female waiting room at the Dinajpur railway station.

*1. **Maulvi HASSAN ALI:** (*a*) Is the Hon'ble Member in charge of the Public Works Department (Railways) aware that the female waiting room at the Dinajpur railway station has been arranged in such a way that it has got only one door opening towards the platform and that its door for exit outwards has been closed with the effect that the female passengers for entering or going out of the waiting room have to pass through the main gate along with the male passengers?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reason for the present arrangement?

MEMBER in charge of PUBLIC WORKS DEPARTMENT [RAILWAYS] (the Hon'ble Mr. A. Marr): (*a*) Yes.

(*b*) The door leading to the road was closed as no check could be exercised on passengers' tickets, and this entrance and exit were being used by unauthorised persons in order to defraud the railway. The arrangements at present in force were approved by the Local Advisory Committee.

Trenching ground of the Dinajpur Municipality.

*2. **Maulvi HASSAN ALI:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that the trenching ground of the Dinajpur Municipality is situated within the heart of the town;

(*ii*) that Moslem, Hindu hostels and Civil Courts are near to it;

(*iii*) that sometimes bad smell penetrates into these houses; and

(*iv*) that many citizens are affected in health on this account?

(*b*) Is the Hon'ble Minister also aware—

(*i*) that some gentlemen affected by the trenching ground brought a criminal case against the said Municipality for their negligence to remove the trenching ground somewhere outside the municipal area; and

(*ii*) that an executive enquiry was made thereafter into the matter?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what was the result of the case and the enquiry; and

(*ii*) what action, if any, the Government proposes to take in the matter?

(*d*) Are the Government considering the desirability of inviting any expert opinion with regard to the situation?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*) (*i*) Government have ascertained that this is not the case, the trenching ground being situated at one extremity of the town.

(*ii*) The distance of the hostels from the trenching ground is over 1,000 feet and of the Civil Courts over 2,000.

(*iii*) The only houses anywhere near the trenching ground are four or five hundred feet away on the north, built since the trenching ground was constructed.

(*iv*) The Assistant Director of Public Health has reported after inspection that the trenching ground has no injurious effect on the health of the town.

(*b*) and (*c*) (*i*) The reference appears to be to a complaint made in 1927 against the Chairman and Vice-Chairman and Commissioners of the Dinajpur Municipality under sections 278 and 290, I. P. C., which was dismissed under section 203, Cr. P. C. An application made to Government in the following year for sanction to proceedings under section 197, Cr. P. C., was disallowed, but the Assistant Director of Public Health was asked to inspect the trenching ground. A copy of his report, which is referred to above, can be shown to the member.

(*c*) (*ii*) and (*d*) Internal administration of municipal affairs not being primarily a matter for the consideration of the local Government, no further action on the part of Government appears to be called for.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Minister aware that even at a distance of 1,000 feet the stench of the trenching ground is sufficient to affect the health of the students in the hostel?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The member is referred to the reply to question No. (*iv*).

Maulvi SYED MAJID BAKSH: I have asked the opinion of the Hon'ble Minister.....

Mr. PRESIDENT: You cannot ask the Hon'ble Minister for an expression of his opinion.

Maulvi SYED MAJID BAKSH: I have asked whether the Minister is aware that even at such a distance.....

Mr. PRESIDENT: The Hon'ble Minister has already answered that question. If you have any other supplementary question to put, you can do so, but you cannot ask him for an expression of opinion.

Maulvi SYED MAJID BAKSH: I ask the Hon'ble Minister to say.....

Mr. PRESIDENT: Order, order.

Quarters for the District Judge at Dinajpur.

*3. **Maulvi HASSAN ALI:** Is the Hon'ble Member in charge of the Judicial Department aware that the District Judge of Dinajpur—

(*i*) has no residential quarters at Dinajpur; but

(*ii*) lives in the circuit house during his stay there?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*i*) Yes.

(*ii*) Yes.

Subdivisional Officers at Chittagong and Cox's Bazar.

*4. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether the Government are considering the desirability of appointing Moslem officers as the Subdivisional Officers at Chittagong and at Cox's Bazar?

(*b*) Will the Hon'ble Member be pleased to state whether any Moslem officers have ever been appointed in those two posts? If not, why not?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) Not at present.

(*b*) No. There is no particular reason.

Appointment of a Moslem Circle Officer with headquarters at Chittagong.

*5. **Haji BADI AHMED CHOWDHURY:** Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether the Government are considering the desirability of appointing a Moslem Circle Officer with headquarters at Chittagong for the Double Moorings, Sitakund and Mirsarai thanas of the Chittagong district?

The Hon'ble Mr. A. N. MOBERLY: No: the posting of the staff of Sub-Deputy Collectors allotted to a division, from among whom Circle Officers are selected, has been entrusted to the Commissioner of the Division.

Process servers in the offices of the District Judge and District Magistrate, Chittagong.

*6. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state the present number of process servers in the offices of the District Judge and District Magistrate at Chittagong?

(*b*) How many of them are Moslems?

The Hon'ble Mr. A. N. MOBERLY: (*a*) and (*b*) Total number of process servers—

District Judge's office—224; Muhammadans—87.

District Magistrate's office—135; Muhammadans—51.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state the percentage of the Hindu and Muhammadan population in the district of Chittagong?

Mr. PRESIDENT: I think that is a question which nobody can answer offhand.

[3-30 p.m.]

Appointment of Munsifs from Chittagong.

*7. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state how many Munsifs are appointed on an average each year?

(*b*) How many selections have been made during the last 10 years from the district of Chitttagong?

(*c*) How many of those referred to in (*b*) are Muhammadans?

(*d*) Is it a fact that amongst the Hindus the appointment of the Munsifs is confined to high class Kayestha and Baidya relations of Government servants?

(*e*) Has there ever been a Munsif from amongst the Brahmans of Chittagong?

The Hon'ble Mr. A. N. MOBERLY: (*a*) The average number of appointments during the last 10 years is 12·8.

(*b*) Six.

(*c*) Three.

(*d*) No.

(*e*) No such Munsif has been appointed during the last 10 years. To give a complete answer to this question would involve an immense amount of labour, as all records from the commencement of the service would have to be searched.

Law College at Chittagong.

*8. **Haji BADI AHMED CHOWDHURY:** Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is in the contemplation of Government to start a Law College in Chittagong?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): No.

Patni Taluqs Regulation.

*9. **Khan Sahib Maulvi BAZLUL HUQ:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware of the great hardship caused to the patnidars by the provisions of the Bengal Patni Taluqs Regulation, 1819 (Bengal Regulation VIII of 1819), taking away the rights of the poor tenants to save their patni taluq, by paying off the arrears after it has been advertised for sale?

(*b*) Is the Hon'ble Member also aware that there is no provision in the said Regulation authorizing the tenants to save the patni taluq by paying the arrears within certain times after the sale as provided in Order 21, Rule 89 of the C. P. C., or section 174 of the Bengal Tenancy Act?

(*c*) Is the Hon'ble Member aware that there is no provision for the subdivision of the patni taluq, and that in almost every taluq there are a great many share-holders some of whom invariably default in making payment in due time and that in consequence the other share-holders suffer great loss?

(*d*) If the answers to (*b*) and (*c*) are in the affirmative, are the Government considering the desirability of taking steps for amending the said Regulation by making provisions authorizing the Collector to accept arrears if tendered—(*1*) before the property is knocked down as provided in section 170 of the Bengal Tenancy Act, and (*2*) within 30 days from the date of the sale with penalty as compensation as provided in Order 21, Rule 89, C. P. C., and section 174 of the Bengal Tenancy Act?

MEMBER in charge of REVENUE DEPARTMENT: (the Hon'ble Sir Provash Chunder Mitter): (*a*) No hardship has been brought to notice.

(*b*) Section 13 of Regulation VIII of 1819 makes provision for the deposit of arrears by certain kinds of tenants. The interests of other kinds of tenants are protected under the third clause of section 11 of the Regulation. Sales under the Regulation are not on the same footing as sales, etc., referred to in the Tenancy Act, but are akin to sales for arrears of Government revenue.

(*c*) Separate patni taluqs may be created by the co-sharers if they want by separate engagements with zamindars.

(*d*) Does not arise.

Salami and pre-emption under the amended Tenancy Law.

***18. Khan Sahib Maulvi BAZLUL HUQ:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay a statement on the table showing—

(*i*) the total number of deeds of sale of occupancy raiyati-holdings, registered during the period from 1st April, 1929, to the 30th September, 1929; and

(*ii*) the number of such deeds registered during the corresponding period of the previous 3 years, viz., 1928, 1927, 1926?

(*b*) If the number of such deeds be less in 1929 than any of the previous 3 years, will the Hon'ble Member be pleased to state whether the decrease is on account of the heavy *salami* to be paid to the superior landlord as provided for by the Bengal Tenancy (Amendment) Act?

(*c*) If the answer to (*b*) is in the negative, what are the reasons?

(*d*) Is the Hon'ble Member aware that the value of the occupancy raiyati-holdings has enormously decreased since the passing of the Bengal Tenancy (Amendment) Act and that, in consequence thereof, great sensation and discontentment prevail in the country?

(*e*) Is the Hon'ble Member aware that the poor tenants now desire to do away with the new right of transferability conferred on them?

(*f*) Are the Government considering the desirability of reconsidering the question of payment of *salami* and pre-emption?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) 50,385.

(*ii*) The information is not available, as no statistics bearing on the subject were maintained in the Registration Department before April, 1929.

(*b*) Does not arise.

(*c*) Does not arise.

(*d*) No.

(*e*) No.

(*f*) No.

Process serving peons in the Civil Courts.

*11. **Khan Sahib Maulvi BAZLUL HUQ:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) the number of unpaid probationary peons in Civil Courts in Bengal on 31st March, 1929, and

(*ii*) how many of them were serving for more than 1, 2, 3, 4 and 5 years and above on that date without substantive appointment.

(*b*) Is it a fact that the Government has decided to do away with their services all on a sudden and asked the District Judges to terminate their services?

(*c*) Will the Hon'ble Member be pleased to state the reasons for the decision?

(*d*) Are the Government considering the desirability of rescinding or modifying the said orders?

The Hon'ble Mr. A. M. MORELLY: (*a*) (*i*) and (*ii*) There is no system of unpaid probationary peons. The District Judges, in practice,

maintain a waiting list of applicants from which vacancies have hitherto been filled, but this is a matter for their own convenience and gives no right to appointment.

(*b*) and (*c*) The District Judges were requested not to fill up vacancies in the process serving staff as the work of the process servers has been considerably reduced this year owing to a recent rule in the Civil Procedure Code to the effect that summons on witnesses shall ordinarily be served by parties and not by process servers. It follows that appointments from the waiting list are not now being made.

(*d*) No.

Jessore district board.

***12. Mr. K. C. RAY CHAUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the District Magistrate of Jessore has held an enquiry at the instance of the Divisional Commissioner into the way in which tenders are disposed of, and contract distributed, by the authorities of Jessore district board?

(*b*) If the answer be in the affirmative, will the Hon'ble Minister state the result of this enquiry?

(*c*) Is the Hon'ble Minister considering the desirability of directing a comprehensive scrutiny of the whole system of administration and a careful audit of the accounts of the board?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) It is understood that at the instance of the Commissioner the District Magistrate of Jessore looked into the procedure of the district board in certain contracts.

(*b*) The District Magistrate appears to have found nothing requiring interference on his part or on that of the Commissioner under the powers vested in these officers under the Local Self-Government Act.

(*c*) The matter is now under the consideration of the Government.

Compositors in the Settlement presses.

***13. Mr. K. C. RAY CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that in the Settlement presses the compositors are held liable and fined for the mistakes of the readers?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

(c) Is it a fact that the rate of pay of the compositors in the Settlement presses has been lowered by about half of what they used to get formerly?

(d) If so, will the Hon'ble Member be pleased to state the reasons therefor?

(e) Will the Hon'ble Member be pleased to state—

(i) the rate of pay the said compositors used to get when the Settlement presses were at Faridpur; and

(ii) what they are getting at present at Berhampore, Jessore, Chittagong and Bakarganj?

The Hon'ble Sir PROVASH CHUNDER MITTER: (a) No.

(b) Does not arise.

(c) No.

(d) Does not arise.

(e) (i) From paragraph 222 at page 115 of the final report on the Survey and Settlement operations in the Faridpur district, it appears that the compositors were paid at the rate of 1½ annas a page at which rate they were each able to earn Rs. 25 a month.

(ii) The rate of pay and the average income of the compositors in the Settlements in question are as follows:—

Name of Settlement.	Rate.	Average income per mensem.
		Rs.
Bakarganj	15 annas per 100 lines	47
Murshidabad-Birbhum ..	1 anna 8 pies per khatian	35
Chittagong	12 annas per 100 lines and a reward of 1 pie per interest when monthly outturn is over 250 interests	41
24-Parganas (at Jessore)..	11 annas per 100 lines	47

Nabaganga river.

*14. **Mr. K. C. RAY CHAUDHURI:** (a) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether it is a fact that the river Nabaganga between Naldi and Lohagora within the jurisdiction of Narail subdivision in the district of Jessore is gradually drying up?

(*b*) Will the Hon'ble Member be pleased to state whether it has bearing upon the sanitation and river transport of the locality?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state how many villages on both banks of the river are affected in respect of sanitation, etc.?

(*d*) Has the Government taken any steps in dredging up the dying river or has it any such scheme in contemplation?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*a*) There are shoals in the river in places.

(*b*) Government have no information to show that sanitary conditions have deteriorated owing to these shoals; there is difficulty in navigating the river in the dry season.

(*c*) Government have no information.

(*d*) No.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether any attempt will be made to get the information which the Government do not possess?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I do not think that there is any need for it.

Want of overbridge over the railway line in the town of Dinajpur.

***15. Maulvi HASSAN ALI:** (*a*) Is the Hon'ble Member in charge of the Public Works Department (Railways) aware that the people of Dinajpur are in a longfelt want of an overbridge over the railway line in the town of Dinajpur near the gate leading to the court compound?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps the Government propose to take in the matter?

The Hon'ble Mr. A. MARR: (*a*) No. It has also been ascertained that no requests have been received by the railway administration for the provision of an overbridge at the level crossing referred to.

(*b*) The question does not arise.

Number of appeals filed in Chittagong.

*16. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state for the first six months of this year how many appeals have been filed at Chittagong before the—

(*i*) Senior Deputy Magistrate; and

(*ii*) Additional Sessions Judge?

(*b*) What is the percentage of the successful appeals during that period?

(*c*) What is the number of the High Court Criminal appeals from Chittagong and Faridpur during the said period?

The Hon'ble Mr. A. N. MOBERLY: (*a*) (*i*) 145.

(*ii*) Appeals are not filed direct in the Court of the Additional Sessions Judge but before the Sessions Judge and are made over by him for trial to the Additional Sessions Judge. During the period in question 25 criminal appeals were made over to the Additional Sessions Judge by the Sessions Judge for disposal.

(*b*) The percentage of successful appeals in the Court of the Senior Deputy Magistrate is 15·8 and that of the Additional Sessions Judge 45·4.

(*c*) Chittagong 4; Faridpur 17.

Process-serving staff in Noakhali.

*17. **Khan Sahib Maulvi BAZLUL HUQ:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay a statement on the table showing—

(*i*) how many processes one peon serves on the average in a month;

(*ii*) how many processes are issued each month on an average from each of the munsifs in the Noakhali district; and

(*iii*) how many peons there are in each of the munsifs?

(*b*) If the number of peons is not sufficient when judged by this normal standard, will the Hon'ble Member be pleased to state the steps by which the extra processes are served without delay?

The Hon'ble Mr. A. N. MOBERLY: (*a*) A statement is laid on the table.

(*b*) The process-serving staff employed in the district is sufficient and there has been no complaint by local officers as to its inadequacy.

Statement referred to in the reply to clause (a) of starred question No. 17.

Name of station.	Number of processes one peon serves on the average in a month during the year ending on 30th November 1929.	Number of processes issued on an average from each of the munsifs during one year ending on 30th November 1929.	Number of process-serving peons in each station during the year ending on 30th November 1929.
Noakhali Sadar	... 48	3,787	78 (one since dead)
Feni	... 52	2,283	44
Sandwip	... 48	912	19
Lakshmipur	... 38	1,123	36
Hatiya	... 34	448	13

Rural Water-supply Scheme.

*18. **Mr. BIJOY PRASAD SINGH ROY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state what steps, if any, the Government propose to take to give effect to the Rural Water-supply Scheme framed by the Hon'ble Sir Provash Chunder Mitter as Minister?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government has consulted the district boards on the subject?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the opinion of the boards on the subject?

(*d*) Will the Hon'ble Minister be pleased to state whether the Government propose to modify the scheme in the light of opinion of the district boards? If not, why not?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) A copy of the Local Self-Government Department's circular No. 2938-2942P.H., dated the 30th October, 1929, is laid on the table.

(*b*) Attention in invited to the circular.

(*c*) The correspondence from the district boards is voluminous, and I should be pleased to show it to the member asking the question. The main points in the opinions expressed are dealt with however in the circular referred to.

(*d*) Reference is invited to the circular.

Circular referred to in the reply to clause (a) of starred question No. 18.

Circular No. 2938-2942 P.H., dated Calcutta, the 30th October, 1929.

From—C. W. GURNER, ESQ., I.C.S., Secretary to the Government of Bengal, Local Self-Government (Public Health) Department,

To—All Commissioners of Divisions.

I am directed to refer to Mr. Drummond's letter Nos. 103-107T.—P.H., dated the 28th May, 1928, on the subject of a loan policy for the improvement of rural water-supply, and to communicate the following further orders on the subject.

2. Examination of the detailed proposals received from district boards discloses that in most cases the district boards deviated from the lines laid down in the letter referred to; and in many cases they suggested that the loan should be available for sinking tube-wells. The divergence in the proposals of the district boards, the request for utilizing the loan for tube-wells, as also the necessity for further examination of certain technical aspects of the loan policy proposed have made it necessary to modify some of the features of the original proposals, and at the same time to reach a clearer definition of the policy in question than the outline conveyed in the previous letter.

3. **Equated payments.**—This letter contemplated repayment of the loan by payment of interest and sinking fund. It would be both more in accordance with the usual procedure for the service of such loans, and a simpler method, if the service of the loan is effected by equated payments rather than by payment of interest and sinking fund. It has been decided that this method should be followed, and the concession to be made by Government needs to be re-stated in accordance with that decision.

4. **Rate of interest.**—The rate of interest which would normally be payable by local bodies on a loan of this character, were no financial concession to be made, may be taken at 6 per cent. As has already been explained the financial concession contemplated is not intended to involve Government in liabilities exceeding the recurring grant of Rs. 2,50,000 per annum, at present made to district officers for water-supply, which, under the scheme contemplated, will be applied to relieving district boards of part of the loan charges. The larger the

concession made in reducing the rate of interest payable, the less extensive will its scope be throughout the province as a whole. After examining alternative figures Government have decided that the appropriate course would be to grant district boards a concession equivalent to their taking this loan at 3 per cent. instead of the normal figure of 6 per cent.

5. **Grant in reduction of loans charges.**—There would be two methods of giving effect to this concession. Either the recurring charges payable to the service of the loan might be calculated at interest at 3 per cent. or these charges may be calculated at the normal figure of 6 per cent. a recurring grant being made to district boards taking the loan equivalent to the difference between the equated payment payable on interest of 6 per cent., and on interest of 3 per cent. The latter course appears to be preferable; and the procedure to be followed will therefore be that district boards will take the loan at 6 per cent. and make payments of equated charges on that basis receiving a grant of the difference between these charges and those of the loan at 3 per cent. That is to say, that on an assumed loan of Rs. 1 lakh for a period of 25 years a district board would make an actual equated payment of Rs. 7,823 and receive against this an annual grant of Rs. 2,080. Similarly, on a loan of Rs. 1 lakh with a term for ten years district boards would make an annual equated payment of Rs. 13,587, receiving in return a grant of Rs. 1,864.

6. **Period of loan.**—These two periods of 25 years and 10 years are intended not merely as examples of the working of the scheme but as the normal period for which loans will be sanctioned. In deference to the representations by several district boards Government have decided that schemes for tube-wells should not be excluded from the scheme. The normal life of a tube-well cannot, however, be taken to exceed 10 years, and loans taken to finance the construction of tube-wells must therefore be repayable within this period. On the other hand, the life of a tank or ordinary well may be taken at 25 years, and in loans taken for these projects the longer term will therefore be admissible. It will be open therefore to district boards to submit proposals for loans both for tube-wells on the one hand and for ordinary wells and tanks on the other, loans for the former purposes having a period of 10 years, and loans for the latter purpose having a period of 25 years. Proposals should be framed in two parts when projects of both kinds are contemplated, and separate loan applications submitted for the respective loans.

7. **Local contributions.**—It is a principle followed in expenditure from the existing grant of Rs. 2½ lakhs for rural water-supply that expenditure from this grant should normally be supplemented to the extent of one-third of the cost of a project by local effort; and Government consider that the same principle should be retained in the loans

policy to be financed from this grant. Except therefore in very special circumstances Government will not be prepared to sanction projects to be financed from this loans policy unless one-third of the cost of the individual work to be carried out is to be raised by local subscriptions.

8. **Appropriation of loans expenditure.**—District boards will of course be required to expend loans taken under this policy strictly on the objects for which the loan was taken, and this appropriation will be watched under the existing rule 147 and form 42 of the Local Self-Government Accounts Rules, subject to such further instructions to Commissioners as Government may find it necessary to issue to ensure that the loans have been usefully applied.

9. **Agency of union boards.**—It is not the intention of Government at present that the loans taken by district boards under this scheme should be used for lending money to union boards. Whether there would be any advantage in such a procedure can only be ascertained after the loans policy now contemplated has been experimented within its simplest form. It is possible that for certain types of work the district board might find the union board a useful agency for construction or supervision, but it is only as an agent for expenditure, and not as the recipient of a loan that the union board would find a place in the present scheme.

10. **Annual instalment of loan.**—It is necessary for local bodies to distinguish between their general programme of improvements to be financed from the loans policy, and their immediate expenditure year by year in carrying out the works contemplated. Government desire to have some idea what the ultimate scheme of each district board for the improvement of its water-supply in accordance with this policy would be; and naturally cannot sanction expenditure on individual projects and the grant of loans for such projects until such general programme has been submitted and received general approval. At the same time the details in such general programme, once approved, would certainly not be regarded as beyond alteration. On the other hand, it is necessary for Government to know precisely what work is to be taken up by the district board under the loans scheme year by year, and what the actual expenditure will be within the year immediately ahead. It is not the intention of Government to make block loans at the outset covering the cost of the whole programme, the execution of which will take several years, but to grant so much of the loans year by year as is necessary for actual expenditure on the works contemplated during the year. Any other procedure will be contrary to elementary financial principles, and might result in unauthorised appropriation of portions of the loan to objects other than those for which it was originally granted.

11. **Revision of proposals.**—I am now to request that these principles may be communicated to all district boards and that they may

be requested to scrutinise the proposals already submitted and to modify them so far as may be necessary in order to bring them into conformity with the instructions now laid down. I am to add that the proposals received from individual boards are at the same time being further examined in this department and that in cases in which they are found to conform with these principles, or can easily be made to do so, a further communication will be made to you with a view to facilitating final preparation of its proposals by the district board in question and making early provision for the first instalment of the loan.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state if the principles referred in paragraph 11 of the Government circular have already been communicated to the district boards concerned?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Yes.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state if the Government have finished the scrutinisation of the proposals by individual district boards?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Not yet.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state when the Government hope to complete the scheme and when it will be ready for being given effect to?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: That depends on the schemes that are received from the district boards. We have not yet received them from all the district boards. As the schemes are coming we are scrutinising them and trying to give effect to them.

Unstarred Questions

(answers to which were laid on the table.)

[illegible] scheme.

1. Maulvi SYED MAJID BAKSH: (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that a supplementary Nabaganga scheme referred to in the speech of the late Maharaja Bahadur of Nadia on the 17th August, 1925, is an essential part of the Bhairab Scheme No. II?

(*b*) Is the Hon'ble Member aware that in order to ensure a copious flow of water from the Mathabhanga the reconstruction of a bridge over the E. B. Railway line which is a necessary part of the scheme has been agreed to by the Railway authorities?

(*c*) Is it a fact that the Nabaganga scheme is complete and ready to be put into operation at once?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state whether it will be put into operation along with the main Bhairab scheme?

(*e*) Is the Hon'ble Member aware that at a recent District Conference of the people of Jessore held at the B. Sarkar Memorial Hall great resentment and dissatisfaction were expressed by all at the apparent inactivity and dilatoriness in the matter?

(*f*) Will the Hon'ble Member be pleased to state definitely when the work is likely to be taken up?

(*g*) Are the Government considering the desirability of contributing a fair share of the expenses involved in the working of the scheme?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) The Nabaganga scheme is not an essential part of the Bhairab Scheme No. II. It is complementary to it.

(*b*) Yes.

(*c*) A report from the local officers was recently received and further information has just been asked for.

(*d*) Does not arise.

(*e*) Government have no information on the subject.

(*f*) A date cannot be fixed now.

(*g*) The time has not yet arrived to consider the financing of the scheme.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state when it will be in a position to take up the scheme?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: The final estimate has not yet been received. We are awaiting a further report from the local officer.

Maulvi SYED MAJID BAKSH: I want to know the approximate time as the people of Jessore are dying by thousands?

Mr. PRESIDENT: That is not the proper way to put a question.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state the approximate date when the scheme is likely to materialise?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: It is impossible to give any approximate date.

Bhairab Scheme No. II.

2. Maulvi SYED MAJID BAKSH: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that a scheme for the reclamation of the river Bhairab has been before the Government for over a quarter of a century?

(*b*) Is it a fact that as early as the time of late Sir John Woodburn, Lieutenant-Governor of Bengal, the matter was taken up in right earnest and an engineer was appointed for the purpose?

(*c*) Is it a fact that during the time of Sir Andrew Fraser a sum of Rs. 75,000 was actually budgeted for the purpose?

(*d*) Is it a fact that after successive Governors of Bengal had shown their interest in the matter, the scheme was finally prepared under orders of Lord Lytton and taken up under the Bengal Agricultural and Sanitary Improvement Act, 1920 (Bengal Act VI of 1920)?

(*e*) Is the Hon'ble Minister aware that while speaking on a resolution moved in Bengal Legislative Council on the 17th August, 1925, the late Maharaja Bahadur of Nadia said in the clearest of terms that as regards Scheme No. II "All difficulties have now been overcome. This project is now ready"?

(*f*) Is the Hon'ble Minister aware that in spite of all these declarations and solemn assurances the scheme has not been put into operation and no work has begun?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) The Irrigation Department have prepared a scheme for the purpose of the Bengal Agricultural and Sanitary Improvement Act, but proceedings under this Act have not yet reached finality.

(*e*) Yes, in reference to the technical aspect of the scheme.

(*f*) The member is referred to paragraph (*d*) of this reply.

Appointment of Muhammadans in the Calcutta Improvement Trust Tribunal.

3. Maulvi MOHAMMED BASIR UDDIN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) when the Calcutta Improvement Trust Tribunal was first constituted; and

(*ii*) whether a Muhammadan has been ever appointed by the Government to the Tribunal since its constitution?

(*b*) If the answer to (*a*) (*ii*) is in the negative, are the Government considering the desirability of appointing a Muhammadan in the next vacancy on the Tribunal?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) (*i*) The Calcutta Improvement Trust Tribunal was first constituted under section 72 of the Calcutta Improvement Act in November, 1912.

(*ii*) The post of Assessor appointed by Government has not been filled by a Muhammadan.

(*b*) It would be difficult to apply the rules about the proportion of Muhammadans in Government service to an isolated appointment such as that of Assessor of the Improvement Trust Tribunal, the vacancy being one to be filled on the respective merits and qualifications of candidates forthcoming, irrespective of communal considerations.

Selection of Khasmahal Officers.

4. Maulvi NURAL ASSAR CHOUDHURY: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state on what policy khasmahal officers (khas tahsildars) are selected?

(*b*) Who is responsible for this selection?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) These officers are selected from the grades of Sub-Deputy Collectors and of Settlement Kanungos, according to their efficiency and revenue experience.

(*b*) The selection is made by the Board of Revenue with the concurrence of Government.

Subdivisional Officer at Chittagong.

5. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state the reason why no Mussalman officer has been posted as Subdivisional Officer to the Sadar subdivision, Chittagong?

(*b*) Is the Hon'ble Member aware of any representation from the Mussalmans on this subject when a very junior Hindu officer Mr. D. K. Ghosh was made Subdivisional Officer in preference to the senior Deputy Collector Maulvi Ahmad who was made Additional Subdivisional Officer?

(*c*) If the answer to (*b*) is in the affirmative, what are the reasons for the preference?

The Hon'ble Mr. A. N. MOBERLY: (*a*) and (*c*) There is no particular reason against the appointment of a Muhammadan Subdivisional Officer. But it is necessary that the Magistrate in charge of the Sitakund mêla should be a Hindu, and, therefore, when one of the Sadar Subdivisional Officers is a Hindu it has been found convenient that he should be posted to the "A" subdivision.

(*b*) Yes, a telegram was received.

Chittagong Government College.

6. Maulvi NURAL ABSAR CHOUDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state the maximum number of students admitted into the Chittagong Government College—

(*i*) during the principalship of Shams-ul-Ulama Mr. Kamaluddin Ahmad; and

(*ii*) during the period after the said principalship?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*i*) and (*ii*) Mr. Kamaluddin Ahmad acted as Principal of the Chittagong College from the 4th August, 1924, to the 9th December, 1926. The number of new students admitted into the Chittagong College during the sessions 1924-25 to 1929-30 is as follows:—

1924-25	...	298
1925-26	...	425
1926-27	...	405
1927-28	...	402
1928-29	...	288
1929-30	...	288

Maulvi ABDUL KARIM: Will the Hon'ble Minister be pleased to state why there has been such a large decrease in the number of admissions during the last two years, viz., 1928-29 and 1929-30?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The College was overcrowded and the Director of Public Instruction on the report of the Principal of the College decided to restrict admission according to the accommodation available in the College.

Maulvi ABDUL KARIM: Am I to understand that while there were 425 admissions in 1925-26, 405 in the next year and 402 in the year following, the accommodation was larger then than it was during the last two years?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I said that the College was overcrowded.

Promotion of a member of the Bengal Junior Civil Service to the rank of Deputy Collector from outside the list.

7. **Maulvi NURAL ABSAR CHOUDHURY:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether any member of the Bengal Junior Civil Service has, in December, 1929, been promoted to the rank of Deputy Collector from outside the list prepared by the Selection Committee for promotion from the Bengal Junior Civil Service, in infringement of the rules laid down in the Bengal Government's letter Nos. 820-35A (paragraph 8)?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reason therefor?

The Hon'ble Mr. A. N. MOBERLY: (*a*) One member of the Bengal Junior Civil Service whose name was not included in the list prepared by the Selection Committee but was added by the Permanent Board of Selection when submitting the list to Government, was selected for promotion.

(*b*) This is in accordance with the procedure laid down in Prov. C (*iii*) to Rule XII A (*1*) of the Civil Services (Governors Provinces) Classification Rules, published in Government of India, Home Department's notification No. F. 472—II—23, dated 21st June, 1924. Steps are being taken to amend the orders contained in paragraph 8 of Bengal Government's letter No. 820-835A., dated the 31st January, 1929.

Scheme for the improvement of free primary schools for girls in Chittagong.

8. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the Municipal Commissioners of the Chittagong Municipality have recently submitted a revised scheme for free primary education of girls, strongly recommended by the Divisional Commissioner for the acceptance of the Government?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is in the contemplation of the Government to sanction the same? If not, why not?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) A scheme for the expansion and improvement of free primary education for girls within the limits of the Chittagong Municipality was received by the Director of Public Instruction in July, 1929, from the Commissioner, Chittagong Division.

(*b*) The scheme is being considered by the Director of Public Instruction, who is in correspondence with the Municipality.

Sewerage scheme for the Chittagong Municipality.

9. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the Municipal Commissioners, Chittagong, have forwarded a sewerage scheme through the local officials for approval of the Government, with a prayer for free donation of the entire capital cost from the Government and with a proposal for empowering the Municipal Commissioners to levy a terminal tax on passengers?

(*b*) If so, are the Government considering the desirability of approving the proposals? If not, why not?

(*c*) Is it a fact that the Government has paid Rs. 25,00,000 as capital cost for the sewerage scheme of the city of Dacca?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) A sewerage scheme for the Chittagong Municipality has been submitted to the Sanitary Board and forwarded by the Board to Government with certain recommendations.

(*b*) The recommendations of the Sanitary Board are under the consideration of Government.

(*c*) Yes.

Taxation of motor vehicles in municipal and district board areas.

10. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that most of the municipalities and district boards have made a strong representation to Government to empower them to levy fees on motor vehicles?

(*b*) If so, are the Government considering the desirability of undertaking legislation to this effect?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) and (*b*) Government have received such representations and are examining the question of legislation for the taxation of motor vehicles with reference to the recommendations of the Indian Road Development Commmittee.

Maliash and Inchakhali Irrigation Schemes in Chittagong.

11. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that the Maliash and Inchakhali Irrigation Schemes of police-station Mirsarai, Chittagong, have proved unsuccessful?

(*b*) If the answer to (*a*) is in the negative, are the Government considering the desirability of making an inquiry into the matter?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: (*a*) No. On the contrary, the schemes have proved a success.

(*b*) Does not arise.

Satkhira-Tala Road in Khulna.

12. Maulvi SYED JALALUDDIN HASHEMY: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that the local public have been asking the Khulna district board for a metalled road from Satkhira (subdivision) to Tala (police-station)?

(*b*) Is the Hon'ble Minister aware of the fact that the condition of the existing *kutcha* road between Satkhira and Tala which becomes still worse during the rainy season makes it impossible for the travelling public to attend to their business in a normal condition?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, are the Government considering the desirability of making a partial contribution or granting a loan to the Khulna district board for constructing a metalled road of twelve miles from Satkhira to Tala?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) and (*b*) No such representation has been brought to the notice of the Local Self-Government Department, and Government have no information about the state of the road between Satkhira and Tala which is a matter for the Khulna district board.

(*c*) No such application has been received.

Jute cultivation in relation to public health.

13. Kazi EMDADUL HOQUE: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) who is the author of the circular that jute is the source of health and prosperity of Bengal;

(*ii*) who is the questioner incognito in relation to the Public Health Questionnaire;

(*iii*) whether the circular was based upon any inquiries;

(*iv*) if so, what is the nature of the inquiries; and by whom those inquiries were made; and

(*v*) whether any expert opinion was obtained that jute-steeped water is wholesome for health purposes?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*i*) and (*ii*) Reference appears to be to a circular which issued in August, 1928, under the heading of "Jute cultivation in relation to public health. Questionnaire and Answers." This circular reproduced personal opinions expressed by Dr. Bentley in reply to inquiries addressed to him by Dr. J. C. Sinha, Director of the Department of Economics and Politics, Dacca University, on jute cultivation in relation to public health. Correspondence between the two experts was subsequently published in the form of a circular to local bodies through a misapprehension in the Public Health Department, and the circular was subsequently withdrawn.

(*iii*), (*iv*) and (*v*) The views expressed were those of Dr. Bentley's based on his own appreciation of the facts.

Bridges in the Feni-Bilonia Railway line.

14. Khan Sahib Maulvi BAZLUL HUQ: (*a*) Is the Hon'ble Member in charge of the Public Works Department (Railways) aware that the area through which the Feni-Bilonia Railway passes is a flood area, and that every year rain water from the adjacent Tippera Hill passes over the land surrounding the said railway line?

(*b*) Is it a fact that the residents of the locality approached the Railway authorities to provide more bridges for better drainage of flood water?

(*c*) Is it a fact that they had also approached the Government and District Magistrate, Noakhali, with the same prayer?

(*d*) If the answers to (*b*) and (*c*) are in the affirmative, will the Hon'ble Member be pleased to state whether he has received any report from the District Magistrate and Subdivisional Officer, Feni, recommending for providing more bridges?

(*e*) Is the Hon'ble Member aware that every year flood water which passes over the district board road is obstructed by the newly-constructed Feni-Bilonia Railway line?

(*f*) Are the Government considering the desirability of taking steps for the provision of more bridges in the railway line?

The Hon'ble Mr. A. MARR: (*a*) Yes.

(*b*) Government have no information.

(*c*) A petition was received by Government.

(*d*) The Collector of Noakhali and the Subdivisional Officer, Feni, considered the waterways provided to be sufficient.

(*e*) It is the tidal water of the Muhari river, and not the railway embankment, which blocks the drainage, causing water-logging over the area for a day or two after very heavy rainfall.

(*f*) No.

Chittagong-Barisal steamer service.

15. Khan Sahib Maulvi BAZLUL HUQ: (*a*) Is the Hon'ble Member in charge of the Marine Department aware that the steamers plying between Chittagong and Barisal usually make unusual delay at Doulatkan, Bhola and Patharhat stations, with the result that they reach Barisal too late for the Khulna Express?

(*b*) If so, are the Government considering the desirability of drawing the attention of the Joint Steamer Companies to the matter?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) The Barisal-Chittagong steamers are not meant to connect with the Khulna-Barisal Express. The service is mainly a cargo one and regular running cannot therefore be guaranteed.

The Bhola-Patharhat public wishing to travel by the Khulna-Barisal Express use the Bhowaniganj service steamer which maintains a regular connexion with the Express.

(*b*) The question does not arise.

Accommodation for upper class passengers in the Chittagong-Barisal steamer service.

16. Khan Sahib Maulvi BAZLUL HUQ: (*a*) Is the Hon'ble Member in charge of the Marine Department aware that there is no accommodation in the steamer plying between Chittagong and Barisal for the second and inter-class passengers, both male and female?

(*b*) If so, are the Government considering the desirability of drawing the attention of the Steamer Companies to this matter?

The Hon'ble Mr. A. MARR: (*a*) There is no second class accommodation on the Barisal-Chittagong steamers. Second class accommodation is provided only on steamers operating on important services with train connections.

Screen berths are provided on the Barisal-Chittagong steamers for inter-class passengers.

(*b*) No action by Government is considered necessary.

Khulna-Barisal-Chittagong steamer service.

17. Khan Sahib Maulvi BAZLUL HUQ: (*a*) Is the Hon'ble Member in charge of Marine Department aware—

(*i*) that the Barisal Express from Khulna reaches Barisal at about 8 o'clock in the morning;

(*ii*) that there is no corresponding steamer in the Chittagong line; and

(*iii*) that the passengers have to stay throughout the whole day at the station for the Chittagong steamer at about 8 p.m. at night?

(*b*) Is it also a fact—

(*i*) that the Barisal Mail from Khulna reaches Barisal at about 9 at night; and

(*ii*) that the passengers have to stay throughout the whole night and the next day for the Chittagong steamer?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, are the Government considering the desirability of drawing the attention of the Steamer Companies to this matter?

The Hon'ble Mr. A. MARR: (*a*) (*i*) The Barisal Express is timed to reach Barisal at 5 a.m.

(*ii*) and (*iii*) The Barisal Express does not connect with the Barisal-Chittagong steamers which leave at 8 p.m. There is no demand for any such connection, as the Calcutta-Chittagong traffic is dealt with *via* Goalundo and Chandpur and the Khulna to Chittagong traffic is very small.

(*b*) (*i*) and (*ii*) Yes, but there is not sufficient traffic to warrant the Khulna-Barisal Mail connecting with the Barisal-Chittagong service.

(*c*) No.

Allotment of time for the disposal of excess and other grants.

Mr. PRESIDENT: I have to announce that under the Orders of His Excellency the Governor this day has been allotted for the discussion of all the Excess and Supplementary demands for grants. If the discussion has not sooner terminated I shall put all question necessary to dispose of outstanding demands at 5-15 p.m.

GOVERNMENT BUSINESS.

Report of the Bengal Legislative Committee on Public Accounts on the Appropriation Accounts for 1927-28.

MEMBER in charge of FINANCE DEPARTMENT: (the Hon'ble Mr. A. Marr): Sir, I beg to present the report of the Bengal Legislative Committee on Public Accounts on the Appropriation Accounts for the year 1927-28.

Mr. PRESIDENT: In this connection, I may tell the members that if any of them wish to discuss the report generally they can do so when we take up the first three items which arise out of the report.

EXCESS GRANTS.

7.—Stamps.

The Hon'ble Mr. A. MARR: With your permission, Sir, before I move the actual demands on the agenda paper, I should like to repeat what I said last year regarding the procedure about these excess grants. After the Budget year is finished, the accounts are made up by the Accountant-General and if he finds that any grant in the Budget has been exceeded, he brings the fact to the notice of Government and it is one of the principal duties of the Committee on Public Accounts to examine and enquire into these excesses and satisfy itself of the causes of the excesses before making its report to this Council. That report is then laid before this Council, as has just now been done, and the Council is then asked to vote the excess grants. In doing so, up till now it has been the convention that the Council generally accepts the Public Accounts Committee's recommendations and I may mention that this convention is also followed in the House of Commons.

On the recommendation of His Excellency the Governor, I beg to move that an excess grant of Rs. 609 be voted by the Council to regularise the expenditure actually incurred in excess of the voted grant in the year 1927-28 under the major head "7.—Stamps."

This excess has been explained in the memorandum in Appendix I to the Public Accounts Committee's Report on page 57, and copies of this memorandum have been circulated. The excess is due simply to two adjustments on account of the cost of stamps.

The motion was put and agreed to.

[3-45 p.m.]

24.—Administration of Justice.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor I beg to move that an excess grant of Rs. 1,254 be voted by the Council to regularise the expenditure actually incurred in excess of the voted grant in the year 1927-28 under the major head "24.—Administration of Justice."

This excess has been explained in the second memorandum in Appendix I of the Public Accounts Committee's Report on page 57 of the Report.

The motion was put and agreed to.

Expenditure in England.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor I beg to move that an excess grant of Rs. 4,992 be voted by the Council to regularise the expenditure actually incurred in excess of the voted grant in the year 1927-28 under the major head "Expenditure in England."

This excess has also been explained in the third memorandum in Appendix I of the Public Accounts Committee's Report on page 58 of the Report.

The motion was put and agreed to.

DEMANDS FOR GRANTS.

6.—Excise.

MINISTER in charge of EXCISE DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): On the recommendation of His Excellency the Governor I beg to move that a token sum of Re. 1 be granted towards the expenditure of Rs. 7,221 under the minor head "Superintendence" on account of the pay and travelling allowance of the officiating Commissioner of Excise and Salt.

The reason for this token demand of Re. 1 has been explained in the Memorandum submitted to the members of the Council. I would only add that this is by no means really an excess expenditure. The salary of the permanent Commissioner of Excise is a non-voted item and when he took leave in the course of the year an officer from the Provincial Civil Service was appointed to officiate for him. His salary and travelling allowance are subject to the vote of the Council. Sir, Government could have reappropriated from savings under other minor heads to cover the excess here, but as there was a token cut of Re. 1 under this particular minor head at the time the Budget was passed we cannot exceed the Budget limit without the leave of the House. It is a formal matter and I trust that the members will agree to it.

The motion was put and agreed to.

15.—Other revenue expenditure financed from ordinary revenue.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Sir, on the recommendation of His Excellency the Governor I beg to move that a token sum of Re. 1 be granted for expenditure of Rs. 1,00,000 under head "15B.—Works" on the work of constructing a brick mattress at Serajganj for the protection of the town of Serajganj.

Sir, the facts of this case have been set out in the memorandum which has been circulated to the members of this House. It is also more or less a matter with which the public have been familiar from the reports which have appeared in the press regarding erosion at Serajganj during recent years. I may, however, add a few words for the information of the members of the House and particularly the new members. It was hitherto decided to leave Serajganj to its fate for the reason, namely, that the Chief Engineer and other technical advisers of Government thought that nothing could be done to protect Serajganj except at a prohibitive cost. They thought that perhaps a sum of Rs. 30,00,000 would be required where the value of Government property was not more than Rs. 5,00,000 or Rs. 6,00,000. It was, however, decided to re-examine the question and I thought it best to look at it on the spot. I can assure you, Sir, that I spent an anxious night in the train for I was afraid lest I might have to tell the people of Serajganj that they all had my heartfelt sympathy, but that it was impossible to do anything for them. It seems, however, that the prayer of the distressed reached the throne of the Almighty. For when I inspected the area of erosion along with the Chief Engineer things looked much brighter and the prospect of saving the town seemed to be very fair. The Chief Engineer estimated the cost at something like Rs. 3,13,168 of which the people of Serajganj showed a very commendable spirit in agreeing to contribute Rs. 1,00,000. The total sum required will be provided in the Budget of the Irrigation Department under head "15B.—Works" as follows: 1929-30—Rs. 1,00,000, Rs. 1930-31—Rs. 1,13,168, and the balance of Rs. 1,00,000 will be charged against the deposit of Rs. 1,00,000 to be made by the Town Protection Committee. It is proposed to meet the sum of Rs. 1,00,000 required during the current financial year from the anticipated savings in the total grant for "Irrigation." I am glad to say that the town people have already contributed a large sum of money, so it is merely a question of formality to bring this motion before the House.

The motion was put and agreed to.

20.—Interest on other obligations.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 4,500 be granted for expenditure under the head "20.—Interest on other obligations" in 1929-30.

The reason for this demand has been given in the memorandum, copy of which has been circulated to all Members of this House. The reason is simply that our anticipation as regards the amount of money to be paid as interest on refunds of land revenue has been exceeded.

The motion was put and agreed to.

31.—Education (Transferred.)

The Hon'ble Mr. KHWAJA NAZIMUDDIN: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 57,000 be granted for expenditure under the head "31.—Education (Transferred)—A; University—Grants to Universities—Calcutta University—Non-recurring" in 1929-30.

In 1926 the Government of Bengal agreed to make a grant of Rs. 2,43,000 a year for 5 years to the Calcutta University and accepted contingent liability to the extent of Rs. 57,000 if the receipts from Fee Fund and the Law College fees fell below the amount estimated by the Government of Bengal. Calcutta University informed Government last July that during the year 1928-29 the receipts from Fee Fund and the Law College fees were below the figures accepted by Government and therefore applied for a grant of Rs. 57,000 which the Government had agreed under the contingent liability arrangement. This amount could not be provided in the current year's budget as the budget estimates were framed about eight months previously. As there was not sufficient money for reappropriation so I ask the consent of the Council to the supplementary grant of Rs. 57,000 in the current year under the head "31.—Education (Transferred)."

The motion was put and agreed to.

34.—Agriculture.

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (excluding Excise) (the Hon'ble Khan Bahadur K. G. M. Faroqui): On the recommendation of His Excellency the Governor I beg to move that a token sum of Re. 1 be granted for expenditure of Rs. 2,524 under minor head "Superintendence" on account of Quinquennial Census of Cattle in Bengal.

In this connection I refer to the memorandum No. 370 in which the necessity for this expenditure has been fully explained.

The motion was put and agreed to.

[4 p.m.]

46.—Stationery and Printing.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor, I beg to move that a token sum of Re. 1 be granted for expenditure under the head "46.—Stationery and Printing—Government Presses" in order to meet the excess expenditure of Rs. 67,000 anticipated under this minor head.

The Hon'ble Kumar has already explained to the Council the reason for putting forward a token grant of Re. 1. In this particular case,

the excess has occurred simply because, while the money was voted under one head to buy machinery in England, it was found more convenient to buy the machinery here; therefore, the cost has been debited to another head altogether. So, while we have the money in the budget, this payment caused an excess under this particular head. I therefore move this token grant to provide the rest of the money under this head.

The motion was put and agreed to.

47.—Miscellaneous.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor, I beg to move that a token sum of Re. 1 be granted towards the expenditure of Rs. 20,000 under the head "47.—Miscellaneous" as a contribution towards the expenses of the Imperial Library, Calcutta.

In the course of the year the question as to whether the Imperial Library should be left in Calcutta or removed elsewhere was under the consideration of the Government of India. It was finally decided to leave the Library here, and when the question of the amenities of the Library to the residents of Bengal, especially Calcutta, and especially the use of the Reading Room, was brought to the notice of the Government of Bengal by the Government of India, it was agreed that as a *quid pro quo* the Government of Bengal should contribute Rs. 20,000 towards the cost of the Library in view of having the advantage of the Reading Room in Calcutta. We have the money in the budget, and therefore, I simply move this token grant.

The motion was put and agreed to.

Loans and Advances.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor, I beg to move that the sum of Rs. 2,43,000 be granted for expenditure under the head "Loans and Advances" for payment of loans to cultivators under the Agriculturists' Loans Act.

The reason for this demand has been given in the memorandum, a copy of which has been circulated to all members of this House. Our original anticipation as regards these loans has been exceeded, and we now find that we require more money for the purpose of giving loans to agriculturists.

The motion was put and agreed to.

Adjournment.

The Council was then adjourned till 2-30 p.m., on Thursday, the 6th February, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, on Thursday, the 6th February, 1930, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 74 nominated and elected members.

Oath.

The following member made an oath of his allegiance to the Crown:—

Babu Satish Chandra Roy Chowdhury.

Starred Questions

(to which oral answers were given).

Chittagong Khastagir Girls' High School.

*19. **Haji BADI AHMED CHOWDHURY:** Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is in the contemplation of Government to appoint an Arabic and Persian knowing Muhammadan mistress to teach the Muhammadan girls in the Chittagong Khastagir Girls' High School?

SECRETARY to GOVERNMENT, EDUCATION DEPARTMENT (Mr. A. J. Dash): No: but a proposal to appoint a male teacher to give instruction in Arabic is before Government.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to inform us whether the appointment of a male teacher in the Khastagir Girls' School will not be convenient in the Persian department?

Mr. A. J. DASH: I cannot say anything more, the matter is under the consideration of Government.

Maulvi SYED MAJID BAKSH: Does the inability of the member to answer my question make him say that he has no further information?

Mr. PRESIDENT: Order, order. That is no question.

Dolai Khal Scheme, Dacca.

*20. **Nawab KHWAJA HABIBULLAH:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that the Dolai Khal Scheme of Dacca has been pending with the Government for some years?

(*b*) What is its present condition?

(*c*) Are the Government considering the desirability of taking steps for its early completion?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*a*) It has been under investigation with the officers of the Irrigation Department for some time.

(*b*) A project has now been drawn up and is about to be submitted to Government.

(*c*) The question does not arise until the scheme has been administratively approved by Government. The scheme must then take its chance with other schemes as regards provision of funds.

Alleged bribery conditions in India.

*21. **Nawab KHWAJA HABIBULLAH:** (*a*) Has the attention of the Hon'ble Member in charge of the Political Department been drawn to the remark of Lord Inchcape that "In India and certain other countries bribery was so deep rooted and so common that familiarity tempted some to condone its depravity"?

(*b*) Will the Hon'ble Member be pleased to state whether it is a fact that conditions in Bengal, particularly in certain departments and almost in all subordinate establishments, justify the above remark?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state what steps the Government propose to take in the matter?

(*d*) Are the Government considering the desirability of forming an inquiry committee consisting of an equal number of official and non-official members for the purpose at an early date?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) No.

(*b*) and (*c*) Do not arise.

(*d*) No.

Defective system of drainage of the Dacca University area.

*22. **Nawab KHWAJA HABIBULLAH:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the Dacca University has sustained a loss on account of the defective system of drainage of the University area?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state who was responsible for this?

(*c*) What action, if any, has been taken against the said officer?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) The underground sewers that were laid in 1922 as part of the sewerage scheme for the Dacca University area, have been discovered to be in an unsatisfactory condition. Government have agreed to provide funds for reconditioning these sewers.

(*b*) and (*c*) Responsibility for the deterioration of these sewers is now under investigation.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state when the Government intends to provide funds for the purpose?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Funds have already been provided.

Maulvi TAMIZUDDIN KHAN: With reference to answers (*b*) and (*c*), will the Hon'ble Minister be pleased to state for how long the matter has been under the consideration of Government?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: A few months.

Ferry boats running between Hatiya and Noakhali.

*23. **Khan Sahib Maulvi BAZLUL HUQ:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that the ferry boats running between Hatiya and Noakhali capsize frequently in river Meghna resulting in the loss of many lives every year?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government propose to take in the matter?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*) The last case reported was in August, 1926.

(*b*) In view of the action taken by the district board of Noakhali, the Government do not propose to take any further steps in the matter. An extract from the proceedings of a meeting of the district board held on October 4, 1926, is laid on the table.

Extract referred to in the reply to clause (b) of starred question No. 23 from the proceedings of an ordinary meeting of the District Board of Noakhali held on the 4th October, 1926.

* * * * * *

Resolved unanimously—

* * * * * *

2. That the existing ferry service be maintained until the steamer service is opened subject to the conditions enumerated below:—

(*a*) Balam boats be allowed to ply as at present, but that two such boats shall start each way at the same time and ply together all the way, one of them carrying only passengers and the other cattle, goods and the owners thereof. When there is no cattle or goods, both the boats may be allowed to carry passengers, but they must start and ply together each way.

(*b*) Each boat shall carry weight equal to the extent of half its capacity and not more.

(*c*) Each boat must have one expert and tried helms-man and twelve oars-men and should be equipped with 16 oars, two anchors, and double set of strong ropes.

(*d*) Each boat will be provided with 18 life-belts.

(*e*) The aforesaid conditions will apply to the Hatiya and Sandwip ferries only.

(*f*) Two sub-inspectors of ferry should be appointed, one of them to be stationed at Hatiya and other at Noakhali ferry ghat whose duties will be as follows:—

(*i*) To see that the boats start in proper time, due regard being had to the conditions of the weather and the tide.

(*ii*) To see that the registered helms-man and proper oars-men are present in the boat or also that the boat is properly rigged and the aforesaid conditions fulfilled.

(*iii*) To keep a register of the passengers, cattle and owners thereof taking journey by each boat every day and to submit the said register weekly to the Vice-Chairman, District Board, for his inspection and signature.

(*g*) The Hatiya ferry should be made to ply straight to Bagguadona by the west side of Char Amanulla and Batta.

3. That the aforesaid conditions shall come into force from April next.

4. That permission be given to the present lessees of the Hatiya ferry to ply their boats from the 10th October, 1926, and that the proposed ferry sub-inspectors be appointed in time so as to take up their duties that day (10th October, 1926), and that the lessees be directed to ply by the route suggested above. The ferry sub-inspector be asked to enforce the aforesaid conditions as far as practicable up to the 31st March, 1927, after which the same (subject to such change as may be considered necessary hereafter) should be enforced in full.

5. That the Chairman be requested to take legal steps against those who may be held responsible for the last two mishaps.

6. That arrangements be made for posting light signals at point Hatiya and also at the southern and northern extremities of Bagguadona, and that the Hatiya and Sandwip ferry ghats be provided with two halting sheds for passengers.

* * * * * *

Bistupur cremation ground.

***24. Mr. P. BANERJI:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that a Civil Disobedience Committee is being formed to disobey the lawful orders of the Government forbidding the cremation of human bodies on the Bistupur cremation ground;

(*ii*) that the Bistupur cremation ground is one of the most ancient in Bengal, and is situated on the sacred site of the old Ganges;

(*iii*) that dead bodies from hundreds of miles away are daily carried to this ground for cremation; and

(*iv*) that the cremation existed long before the neighbourhood grew into a human habitation?

(*b*) Do the Government consider the desirability of recognising the immemorial right of the people for burning their dead bodies on this ground?

(*c*) Is it a fact that a Muhammadan Subdivisional Officer has lately been deputed to Diamond Harbour to deal with this?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) No. No such prohibitory order is at present in force.

(*b*) Government are not aware whether the alleged right exists or not.

(*c*) No.

Channel from the Mahamaya gate to the Magrahat canal *via* Kashinagar and Bistupur.

***25. Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state what is the position of affairs regarding the excavation of the *khal* from the Mahamaya gate to the Magrahat canal through Kashinagar and Bistupur?

(*b*) Is there any chance of its completion soon?

(*c*) If not, when is it likely to be completed?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) The channel is a private one and there is no proposal before Government for its improvement.

(*b*) and (*c*) Do not arise.

Landlord's transfer fee at new settlement with the Latdars in the Sunderbans.

*28. **Mr. P. BANERJI:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether at the time of new settlement with the Latdars in the Sunderbans after the expiry of their present leases, the Government—

(*i*) do not propose to allow the Latdars to receive transfer fees: but

(*ii*) propose to receive the same itself direct from the Sub-Registrar's office?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*i*) Government do not propose any change in the existing practice.

(*ii*) Does not arise.

Deaths from malaria.

*27. **Mr. BIJOY PRASAD SINGH ROY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Public Health) Department be pleased to state the number of deaths every year from malaria in each of the districts in the province during the last five years?

(*b*) Does the average death rate due to malaria in the districts during the last five years indicate increase or decrease of the malarial fever in Bengal?

(*c*) Has the attention of the Government been drawn to the statement made by the Secretary of State for India in the House of Commons in December, 1929?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) what steps are being taken by the Rockfeller Institute in Calcutta to combat malaria; and

(*ii*) what is the contribution of this Government to that institute, if any?

MINISTER in charge of LOCAL SELF-GOVERNMENT (PUBLIC HEALTH) DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*) A statement is laid on the table.

(*b*) The figures show a decrease.

(*c*) Yes.

(*d*) (*i*) The Rockfeller Institute in Calcutta is not yet in existence.

(*ii*) Does not arise.

Statement referred to in the reply to clause (a) of starred question No. 27 showing the total reported malaria deaths for each district of the Bengal Presidency for five years from 1924 to 1928.

Districts.	Malaria deaths.				
	1924	1925	1926	1927	1928
Burdwan .. .	19,479	16,910	17,762	15,178	11,751
Birbhum .. .	11,944	1,782	944	2,975	5,102
Bankura	1,868	1,678	2,486	3,456	7,235
Midnapore	19,774	21,399	22,583	19,919	17,419
Hooghly	16,601	15,143	13,624	13,587	10,106
Howrah	2,875	3,636	5,586	4,367	3,196
24-Parganas	19,579	11,948	11,399	10,243	6,753
Calcutta	1,636	2,011	1,673	1,460	1,345
Nadia	23,880	29,077	31,064	25,184	23,532
Murshidabad .. .	21,594	26,425	28,228	25,483	20,312
Jessore	37,674	38,263	34,405	36,443	36,584
Khulna	19,314	20,402	18,997	17,096	11,155
Rajshahi	44,197	46,072	37,500	35,229	34,193
Dinajpur	32,617	36,907	35,411	41,203	44,058
Jalpaiguri	20,894	20,414	21,671	21,349	20,637
Darjeeling	3,994	3,238	2,790	2,082	2,723
Rangpur	54,341	52,796	52,430	51,736	34,766
Bogra	17,975	14,861	10,745	9,167	9,246
Pabna	32,359	26,251	22,904	21,560	18,704
Malda	16,347	21,812	20,791	18,300	19,503
Dacca	14,469	6,630	3,264	3,166	4,931
Mymensingh	24,367	16,960	10,199	4,896	3,166
Faridpur	44,720	41,456	35,725	33,802	16,061
Bakarganj	5,841	3,887	2,108	1,844	784
Chittagong	6,548	7,876	3,304	2,143	842
Noakhali	6,938	3,909	3,109	1,999	809
Tippera	6,077	6,730	6,306	5,276	4,296

Statement referred to in the reply to clause (a) of starred question No. 27 showing the death-rates from malaria for each district of the Bengal Presidency for five years from 1924 to 1928.

Districts.	Death rates from malaria.				
	1924	1925	1926	1927	1928
Burdwan	13·5	11·7	12·3	10·5	8·2
Birbhum	14·1	2·1	1·1	3·5	6·0
Bankura	1·8	1·6	2·4	3·4	7·1
Midnapore	7·4	8·0	8·5	7·5	6·5
Hooghly	15·4	14·0	12·6	12·6	9·3
Howrah	2·9	3·6	5 6	4·4	3·2
24-Parganas	8·0	4·9	4·6	4·2	2·7
Calcutta	1·5	1·9	1·6	1·3	1·2
Nadia	16·1	19 5	20·9	16·9	15·8
Murshidabad	17·1	20·9	22·4	20·2	16·1
Jessore	21·9	22·2	20·0	21·2	21·2
Khulna .. .	13 3	14·0	13·1	11·8	7·7
Rajshahi	29·7	30 9	25 2	23·6	23·0
Dinajpur ..	19·1	21 6	20 8	24 2	25·8
Jalpaiguri	22 3	21 8	23 1	22·8	22·4
Darjeeling .	14 1	11·4	9·9	7·4	9·7
Rangpur .. .	21 7	21·0	20·9	20·6	13·9
Bogra	17·1	14·2	10·2	8·7	8·6
Pabna .	23 3	18·9	15 8	15·5	13·5
Malda . .	16 6	22 1	21 1	18·6	19·8
Dacca ..	4·6	2·1	1 1	1·0	1·6
Mymensingh ..	5·0	3·5	2·1	1·0	·6
Faridpur	19 9	18 4	15·9	15·0	7·1
Bakarganj .	2 2	1 5	·8	·7	·3
Chittagong .	4·1	4 9	2·0	1·3	·4
Noakhali	4 7	2·0	3·5	1·4	·3
Tippera	2 2	2 4	2·3	1 9	1·6

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state when the Rockfeller Institute is likely to be established in Calcutta?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: This Institution is not under the control of the Government of Bengal; so we are not in a position to state exactly the date when it will come into existence.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state if the Government propose to make any contribution to the Rockfeller Institute when it comes into existence?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: This is rather a hypothetical question. When the Institute comes into existence, the matter will be considered by Government.

Trade with iguanas' skins.

***28. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur:** (*a*) Will the Hon'ble Member in charge of the Revenue (Forests) Department be pleased to state whether it is a fact that an extensive and brisk trade is being carried on in certain parts of Bengal, especially in Bakarganj, with iguana skins?

(*b*) Is it a fact that many people are killing iguanas for selling their skins to the traders at a very big price?

(*c*) Is the Hon'ble Member aware that iguanas destroy and keep down snakes in general?

(*d*) Is the Hon'ble Member also aware that venomous snakes have of late increased and are now appearing in large numbers?

(*e*) Are the Government considering the desirability of taking immediate steps in the matter?

MEMBER in charge of REVENUE (FORESTS) DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*a*) Yes.

(*b*) "Iguanas" are killed for the purpose of selling their skins to traders; Government have no information as to price.

(*c*) Yes.

(*d*) Government have no information.

(*e*) Attention is invited to notifications Nos. 11328 For. and 11329 For., dated the 28th August, 1929, in which complete protection under the Wild Birds and Animals Protection Act, 1912, is afforded to four species of lizards when of immature size and a close season is prescribed for mature lizards from 15th February to 15th August.

Notifications referred to in the reply to clause (e) of starred question No. 28.

No. 11328 For.—28th August, 1929.—In exercise of the power conferred by sub-section (2) of section 2 of the Wild Birds and Animals Protection Act, 1912 (VIII of 1912), the Governor in Council is pleased to make the following amendments in the list of animals protected in

the Presidency of Bengal contained in notification No. 8337 For., dated the 25th August, 1914, published in the *Calcutta Gazette* of the 2nd September, 1914, namely:—

At the end of the said list under the heading "Animals" *add* the following:—

Ringed or Water Lizards—Varanus Salvator (vernacular Ramgoddi).

Black Lizards—Varanus Nebulosus (vernacular Kalagoddi).

Yellow Land Lizards—Varanus Flavescens (vernacular Sonagoddi).

Grey Land Lizards—Varanus Bengalensis.

II. Notification No. 2849 For. and erratum No. 10950 For., dated the 25th February, 1928, and 15th June, 1928, published at pages 436 and 1356, Part I of the *Calcutta Gazette* of the 1st March, 1928, and 21st June, 1928, respectively, are hereby cancelled.

No. 11329 For.—28th August, 1929.—In exercise of the power conferred by section 3 of the Wild Birds and Animals Protection Act, 1912 (VIII of 1912), the Governor in Council is pleased to make the following amendments in lists A and B, indicating the period declared to be close seasons for certain birds and animals in the Presidency of Bengal, published under notification No. 10479 For., dated the 10th November, 1914, as amended by subsequent notification No. 5240 For., dated the 2nd July, 1918, namely:—

At the end of the second column of list "A" of the said notification under the heading "The whole year" *add* the following:—

Animals of or below the measurements set forth below:—

Species with measurements.

(1) Ringed or Water Lizards—Varanus Salvator (vernacular Ramgoddi). Length 4 feet (inclusive of tail) and girth 11 inches.

(2) Black Lizards—Varanus Nebulosus (vernacular Kalagoddi). A girth measurement of 8 inches.

(3) Yellow Land Lizards—Varanus Flavascens (vernacular Sonagoddi). A girth measurement of 8 inches.

(4) Grey Land Lizards—Varanus Bengalensis. A girth measurement of 8 inches.

At the end of the second column of list "B" of the said notification under the heading "Part of the year" *add* the following:—

Animals measuring more than the measurements set forth below are protected during the close season 15th February to 15th August only—

Species with measurements.

(1) Ringed or Water Lizards—Varanus Salvator (vernacular Ramgoddi). Length 4 feet (inclusive of tail) and girth 11 inches.

(2) Black Lizards—Varanus Nebulosus (vernacular Kalagoddi). A girth measurement of 8 inches.

(3) Yellow Land Lizards—Varanus Flavascens (vernacular Sonagoddi). A girth measurement of 8 inches.

(4) Grey Land Lizards—Varanus Bengalensis. A girth measurement of 8 inches.

II. Notification No 2850 For. and erratum No. 10951 For., dated the 25th February, 1928, and 15th June, 1928, published at pages 436 and 1356, Part I of the *Calcutta Gazette* of the 1st March, 1928, and 21st June, 1928, respectively, are hereby cancelled.

Maulvi SHAMSUDDIN AHMED: With regard to answer (*d*), does the Government think it desirable that any information should be secured and placed before the public?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: This seems to be superfluous.

Mr. PRESIDENT: The member wants to know whether the Hon'ble Member would try to secure information on the point and hereafter enlighten the House as to what that information is.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I am afraid it will not serve any useful purpose; therefore, my answer is in the negative.

Abolition of the Farakka thana in Jangipur.

*29. **Srijut TAJ BAHADUR SINGH:** Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) the reasons for the abolition of the thana at Farakka within the Jangipur subdivision of the Murshidabad district;

(*ii*) the distance of the nearest thana from the Farakka village;

(*iii*) the number of thefts, etc., reported in the thana at Farakka in the year preceding its abolition; and

(*iv*) the number reported from the same area in the year following its abolition?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*i*) The police-station was abolished in 1926 as a measure of retrenchment as its area was only 42 square miles.

(*ii*) Ten miles.

(*iii*) Thirty-four burglaries and thefts were reported in 1925.

(*iv*) Nineteen in 1927.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Will the Hon'ble Member be pleased to state whether in this particular area the number of criminal cases increased during the period from 1925 up to date?

The Hon'ble Mr. A. N. MOBERLY: In that particular area?

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Yes.

The Hon'ble Mr. A. N. MOBERLY: I cannot say offhand. I must ask for notice.

Embankment in Panchthupi.

*30. **Srijut TAJ BAHADUR SINGH:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether the embankment in Panchthupi within the Kandi subdivision of the Murshidabad district has caused flooding and marooning of a portion of the village for a considerable part of the year?

(*b*) Is the Hon'ble Member aware that the said flooding and marooning are telling upon the health and damaging the property and cultivation of the villagers?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state what steps the Government propose to take in the matter?

(*d*) Are the Government considering the desirability of instituting an early inquiry into the matter through a small committee in which the villagers are to be represented?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) and (*b*) Government have no information.

(*c*) Does not arise.

(*d*) No.

Santahar-Dinajpur Railway project.

***31. Srijut TAJ BAHADUR SINGH:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether the Railway project between Dinajpur and Santahar *via* Balurghat has been abandoned? If so, why?

(*b*) If the answer to (*a*) is in the negative, when is the project likely to be put into operation?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) The question of the best alignment for a railway line or lines to develop the area lying between the Eastern Bengal Railway main line and the Katihar-Godagari Section, for which the Santahar-Dinajpur line was one suggestion, has not yet been definitely settled.

(*b*) Does not arise.

Unstarred Questions

(answers to which were laid on the table).

Recruitment of Muhammadans in the Junior Medical Service.

18. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state the present number of sub-assistant surgeons in Bengal?

(*b*) On what basis are they recruited?

(*c*) How many of them are Mussalmans?

(*d*) Are the Government considering the desirability of recruiting Mussalman sub-assistant surgeons for some time to come so that their number may reach at least 33 per cent. of the total appointments?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) Three hundred and two.

(*b*) Sub-assistant surgeons are appointed by the Surgeon-General to the Government of Bengal by recruitment from passed students of medical schools, one-third of the vacancies being assigned to Muhammadans.

(*c*) Twenty-one.

(*d*) The policy of the Government with reference to the recruitment of Muhammadans in the Junior Medical Service was revised only in 1926, and the Government at present propose to watch carefully its effect on adjusting the ratio of communities in this service.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state since when the Government has been following the policy of filling up vacancies according to the ratio of the different communities?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Since 1926, though in the year 1927 cent. per cent. of the appointments were given to the Muhammadans.

Establishment of a steamer ferry service in Noakhali.

19. Khan Sahib Maulvi BAZLUL HUQ: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that Messrs. I. G. N. R. and R. S. N. Cos. are ready to start a steamer service between Hatiya, Sandwip and Noakhali if the Government accept the terms offered by them?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of arriving at a settlement with the companies at an early date?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) In the year 1927 the Agents of the I. G. and R. S. N. Cos. informed the District Magistrate of Noakhali that they were not prepared to recommend to their boards to build steamers for a ferry service between Hatiya and Noakhali unless Government or the district board would undertake to compensate them for a stated period for all losses after setting off interest on the cost of construction, running cost, etc.,

against earnings. The liability involved in these conditions in comparison with the estimated earnings of the steamer ferry service proved so heavy that the proposal for establishing such a service was reluctantly dropped.

(*b*) Negotiations for the establishment of a steamer ferry service in the district of Noakhali are a matter primarily for the Noakhali district board rather than for Government; but the Commissioner will be asked to examine the question further.

Waiting accommodation at steamer stations between Chittagong and Barisal.

20. Khan Sahib Maulvi BAZLUL HUQ: (*a*) Is the Hon'ble Member in charge of the Marine Department aware that there are no waiting rooms at any of the steamer stations between Chittagong and Barisal?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of drawing the attention of the steamer company to this matter?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) No. Accommodation is available at the steamer stations between Chittagong and Barisal as follows:—

Paterhat—Rest-house and Receiving flat.

Bhola—Rest-house and Receiving flat.

Kalupura—Receiving barge.

Dowlatkhan, Newamatpur } Rest-house and Receiving flat.

Sonapur—Nil.

Hatiya—Nil.

Sandwip—Rest-house.

Chittagong—Steamer all day at ghat, and no rest-house necessary.

(*b*) This question does not arise.

Sherpur [illegible] Bench.

21. Maulvi AZIZUR RAHMAN: Will the Hon'ble Member in charge of the Judicial Department be pleased to state what action, if any, the Government have taken or intend to take on the representation of the Sherpur (Mymensingh) Raiyats' and Agriculturists'

Association, dated the 18th September, 1927, praying for the appointment of a first class stipendiary Magistrate at Sherpur and also for the appointment of an equal number of Muhammadan and non-Muhammadan Honorary Magistrates subordinate to him or to abolish the criminal courts altogether from Sherpur?

The Hon'ble Mr. A. N. MOBERLY: Beyond appointing a Muhammadan Honorary Magistrate Government have not taken, and do not at present propose to take, action on the representation.

Bengal Jail Press.

22. Mr. K. C. RAY CHAUDHURI: Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state the amount of money defalcated last year in the Bengal Jail Press?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): There were no defalcations in the Bengal Jail Press last year, but defalcations in the Alipore Central Jail Press were detected in the year 1927 and traced back to the month of October, 1917. It was found that in the period October, 1917, to October, 1927, the systematic defalcation of money drawn as Pay of Establishment had amounted to Rs. 27,033-4.

Process-servers.

23. Mr. K. C. RAY CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that the process-servers include a number of Matriculates?

(*b*) Is it a fact that subordinate ministerial officers are not recruited from experienced Matriculate process-servers?

(*c*) Is it a fact that non-Matrics and non-members of the process-servers' staff are recruited as junior ministerial officers?

The Hon'ble Mr. A. N. MOBERLY: (*a*), (*b*) and (*c*) Government have no information. The District Judges are vested with absolute discretion in the matter of appointment of ministerial officers and process-servers.

Staff of the Eden Canal.

24. Mr. BIJOY PRASAD SINGH ROY: (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware of the fact that the staff of the Eden Canal, such as moharrirs, patrols, khalasies, daffadars, etc., are borne in the temporary establishment and they have been maintained in such list for the last 36 years, sanctioned from year to year?

(*b*) Are the Government considering the claims of those in the abovementioned staff who have been in the service of the Government for over 25 years, to be placed in the permanent cadre of their services so as to enable them to get the benefit of the permanent Government service?

(*c*) Is the Hon'ble Member aware that the moharrirs in the Eden Canal staff do the same work as clerks in other Government departments?

(*d*) Is it a fact that the patrols of the Eden Canal are all literate and that literacy is essential to discharge their duties?

(*e*) Is the Hon'ble Member aware—

(*i*) that the pay of these patrols was all along higher than that of ordinary peons; and

(*ii*) that the scale has now been fixed as that of the peons, viz., Rs. 13 to Rs. 17 per mensem?

(*f*) Will the Hon'ble Member be pleased to state what will be the total annual increase in expenditure to admit the Eden Canal staff to permanent service?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) Yes.

(*b*) No.

(*c*) Yes; they generally do the work of junior clerks only.

(*d*) Yes.

(*e*) (*i*) The pay of the patrol has been the same as that of the peons since 1918; formerly patrols received Rs. 2 per month more than ordinary peons.

(*ii*) Yes.

(*f*) Approximately Rs. 1,000 per annum.

Crops reports of Burdwan and Presidency Divisions.

25. Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state the quantity and the value of crops lost annually and the area of land which was left uncultivated and which suffered from drought in the different districts of the Burdwan and Presidency Divisions during the last ten years?

MINISTER in charge of AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Farequi): The information is not available. Attention, however, is invited to the annual Season and Crop Reports, copies of which are placed in the library.

Co-operative Jute Sale Societies.

26. Maulvi ABDUS SAMAD: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries (Co-operative) Department be pleased to state how far the experiment of Co-operative Jute Sale Societies has proved successful in Bengal?

(*b*) If the experiment has not proved successful, are the Government considering the desirability of making inquiries into the defects of these societies and of taking steps to bring them into line with the Co-operative Marketing Societies of New Zealand and Denmark?

MINISTER in charge of AGRICULTURE and INDUSTRIES (CO-OPERATIVE) DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Farequi): (*a*) The Co-operative Jute Sale Societies have not yet fully emerged from the stage of experiment and therefore Government are not at present in a position to express any definite opinion.

(*b*) Does not arise.

Maulvi ABDUS SAMAD: Is it not a fact that these Co-operative Societies were primarily intended for the benefit of the actual producers of the crop?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: Yes.

Maulvi ABDUS SAMAD: Is the Hon'ble Minister aware that in many places such societies have been formed, but instead of actual producers being the members of such societies, it is the middlemen who form the bulk of the members?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I have no information.

Maulvi ABDUS SAMAD: Will the Hon'ble Minister be pleased to collect information on the subject for the benefit of the members of this Council?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: That is a request for action.

Bengal Local Self-Government Act of 1885.

27. Maulvi ABDUS SAMAD: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state at what stage the proposals for a thorough revision of the Bengal Local Self-Government Act of 1885 (Bengal Act III of 1885) are waiting?

(*b*) What are the principal difficulties involved in the revision?

(*c*) Is the Hon'ble Minister aware that the present Act is quite out of date, inadequate and inconsistent with the present-day ideas of self-government in the country?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) A Bill has not yet been framed.

(*b*) The amendment of the Local Self-Government Act as a whole is a task of considerable magnitude which it may not be possible to take up for some time yet.

(*c*) Government agree that the Act needs amendment.

Maulvi ABDUS SAMAD: Will the Hon'ble Minister be pleased to state whether there is any chance of an amending Bill being introduced in this Council within a reasonable time?

The Hon'ble Kumar SHIB SHEKARESWAR RAY: That depends on the members of this House. If they will allow me to stay on for some time, I hope to bring forward this Bill.

Bhowal Sanyasi.

28. Maulvi ABDUL HAMID SHAH: (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that a large section of the Bhowal tenantry in the districts of Dacca and Mymensingh have been paying rent to one who has set himself up as the second Kumar

of Bhowal and who declares himself to be the rightful claimant of the Bhowal Raj estate to the extent of one-third share of the entire property?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps Government have taken up till now to satisfy itself of the identity of the said Kumar?

(*c*) Are the Government considering the desirability of holding an open inquiry by competent Judicial authorities in the interest of the Bhowal tenants?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) The Board of Revenue has had inquiries made.

(*c*) No.

Mr. P. N. GUHA: Will the Hon'ble Member be pleased to state in view of the reply to question (*b*), if the Government have been satisfied, as a result of the enquiries made, that the man is not the rightful claimant?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing further to add.

2-45 p.m.

Mr. PRESIDENT: Gentlemen of the Council, you are aware that His Excellency has allotted to-morrow and Monday and Tuesday next for non-official business. That business consists of Bills and Resolutions.

Of the Bills, four in number, to be found in the List of Business circulated to members, only two will come up for discussion, the other two having lapsed meanwhile owing to the resignation of Babu Jotindra Nath Chakraburtty, the member in charge.

I propose to dispose of the Bills first to-morrow. If they are finished in the course of the day, we shall proceed with the discussion of the Resolutions, and in any case Monday and Tuesday will be devoted to the discussion of Resolutions.

Kazi EMDADUL HOQUE: Will any member of this House have your permission to introduce the Bill, notice of which has been given by Babu Jotindra Nath Chakraburtty?

Mr. PRESIDENT: I am afraid not.

LEGISLATIVE BUSINESS.

Government Bills.

The Bengal Municipal (Amendment) Bill, 1929.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I beg to introduce a Bill further to amend the provisions of section 85 of the Bengal Municipal Act, 1884.

[The Secretary then read the short title of the Bill.]

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I beg to move that the Bill be taken into consideration.

This is a small Bill which requires very little explanation beyond the Statement of Objects and Reasons already in the hands of the members of this Council. It concerns only the Municipality of Kurseong. The income of this hill municipality from sources other than water-rates and latrine fees has proved insufficient to cover their municipal expenditure on general purposes, and the Municipal Commissioners in consequence had to borrow from the water and latrine funds. This procedure, Sir, it must be admitted, is irregular, but it proves the necessity of increasing the income of the municipality under the head "General rates." These already stand at the maximum rate of 7½ per cent. prescribed by section 85 of the Bengal Municipal Act, 1884. The Commissioners of the Kurseong Municipality, therefore, by a resolution passed on the 10th March, 1927, requested the Government to amend section 85 to enable them to increase the maximum rate to 10 per cent. Sir, this is at present the maximum rate at Howrah, Darjeeling and Dacca. The intention of the present Bill is to add Kurseong to this list. When this is done, the Municipal Commissioners of Kurseong propose to reduce the water-rate and of course to discontinue their present irregular procedure of borrowing. As the Bill deals with a purely local matter of an urgent character and has been taken up with the full consent of the people concerned, I request the House to pass the Bill without any further delay.

The following motion was called but not moved:—

Maulvi SYED JALALUDDIN HASHEMY to move by way of amendment to motion No. 17 that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Local Self-Government Department;

(2) Babu Jitendralal Bannerjee;

(3) Mr. P. Banerji;

(4) Maulvi Shamsuddin Ahmed;

(5) Maulvi Syed Majid Baksh;

(6) Maulvi Ashrafuddin Chaudhuri;

(7) Maulvi Syed Jalaluddin Hashemy,

with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The motion that the Bengal Municipal (Amendment) Bill, 1929, be taken into consideration was then put and agreed to.

Bill, Clause 1.

Mr. C. W. CURNER: I beg to move that in clause 1 for the figures "1929" the figures "1930" be substituted

Lapse of time and lapse of pen have combined to make this formal amendment necessary.

The motion was put and agreed to.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I beg to move that the Bill further to amend the provisions of section 85 of the Bengal Municipal Act, 1884, as settled in Council, be passed.

The motion was put and agreed to.

The Bengal Tenancy (Amendment) Bill, 1929.

The Hon'ble Sir PROVASH CHUNDER MITTER: I beg to introduce a Bill further to amend the Bengal Tenancy Act, 1885.

[The Secretary then read the short title of the Bill.]

The Hon'ble Sir PROVASH CHUNDER MITTER: I beg to move that the Bill be referred to a Select Committee. The names of the members of the Select Committee as proposed by me are on the paper, namely—

(1) Maulvi Syed Majid Baksh;

(2) Babu Jitendralal Bannerjee;

(3) Mr. Altaf Ali;

(4) Mr. Bijoy Prasad Singh Roy;

(5) Mr. H. J. Twynam; and

(6) myself;

with instructions to submit their report by the 20th February, 1930.

As regards Mr. A. F. Rahman, I am sorry to say that he has subsequently informed me that he is unable to attend.

The Bill consists of only 16 clauses, and of these, 14 are drafting amendments and two are amendments of substance. As I am asking the leave of the House to refer the Bill to a Select Committee with instructions to submit their report by the 20th February, 1930, when a further opportunity will be afforded for the discussion of the Bill, I refrain at the present stage from taking up the time of the Council by a discussion of the different clauses.

I further move that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. BIJOY PRASAD SINGH ROY: Before I move the motion which stands in my name, I ask your permission to substitute the name of Babu Sarat Kumar Roy in place of Babu Surendra Nath Law who is absent from Calcutta.

Mr. PRESIDENT: Yes, if you have obtained his consent.

Mr. BIJOY PRASAD SINGH ROY: Yes. I now move, by way of amendment, that the following names be added to the list of names proposed, namely—

Babu Sarat Kumar Roy;

Mr. P. N. Guha;

Mr. Razaur Rahman Khan.

Maulvi ABDUL HAMID SHAH: I beg to move, by way of amendment, that after the name of Mr. H. J. Twynam, the following names be inserted, namely—

Khan Bahadur Maulvi Azizul Haque;

Maulvi Syed Nausher Ali;

Maulvi Abdul Hamid Shah;

Maulvi Tamizuddin Khan.

I have omitted the name of Mr. A. K. Fazl-ul Huq.

Rai Sahib REBATI MOHAN SARKER: I beg to move, by way of amendment, that after the name of Mr. H. J. Twynam, the following names be inserted, namely—

Mr. Mukunda Behari Mallik;

Mr. K. C. Ray Chaudhuri;

Maulvi Abdul Hamid Shah;

Rai Sahib Rebati Mohan Sarker.

Maulvi TAMIZUDDIN KHAN: I formally move, by way of amendment, that after the name of Mr. H. J. Twynam, the following names be inserted, namely—

Khan Bahadur Maulvi Azizul Haque;

Maulvi Abdul Hamid Shah;

Maulvi Syed Nausher Ali.

All these names have already been included in amendment moved by Maulvi Abdul Hamid Shah.

The following amendment was called but not moved:—

Maulvi SYED JALALUDDIN HASHEMY to move by way of amendment, that after the name of Mr. H. J. Twynam, the following names be inserted, namely—

Maulvi Shamsuddin Ahmed;

Maulvi Ashrafuddin Chaudhuri;

Maulvi Syed Jalaluddin Hashemy.

The Hon'ble Sir PROVASH CHUNDER MITTER: My only objection is that I do not want the Select Committee to be too large. I think the hon'ble members are aware that the ordinary practice in the House of Commons is to limit the number to 15. I am quite willing to take as many as will be within 15. As motion of Maulvi

Abdul Hamid Shah represents an amendment of the Praja party, I accept all the names. Having accepted the names of the Praja party, I am inclined to accept the names suggested by Mr. Bijoy Prasad Singh Roy.

As regards motion of Rai Sahib Rebati Mohan Sarker, I suggest to the Rai Sahib that I am willing to take the Rai Sahib and Mr. Mukunda Behari Mallik, the two representatives of the backward classes. I suggest that he should omit the other name.

As regards the motion of Maulvi Tamizuddin Khan, I find all the names are included in the motion of Maulvi Abdul Hamid Shah; so I accept them. If the Rai Sahib would omit the name of Mr. K. C. Ray Chaudhuri, I am willing to accept all the amendments.

Mr. PRESIDENT: Would you suggest how this could be done?

The Hon'ble Sir PROVASH CHUNDER MITTER: I suggest that the Rai Sahib should say that he is willing to omit the name of Mr. K. C. Ray Chaudhuri, and I am willing to accept it subject to your decision.

Mr. PRESIDENT: I think it would be better if Sir Provash could amend his own motion to include in it such names as are acceptable to him and I could admit his amended motion on short notice. The movers of the present amendments could then withdraw their motions with the leave of the House. The difficulty may thus be solved.

The Hon'ble Sir PROVASH CHUNDER MITTER: According to your suggestion, I beg to move that the Select Committee do consist of—

(1) Maulvi Syed Majid Baksh;
(2) Babu Jitendralal Bannerjee;
(3) Mr. Altaf Ali;
(4) Mr. Bijoy Prasad Singh Roy;
(5) Mr. H. J. Twynam;
(6) Babu Sarat Kumar Roy;
(7) Mr. P. N. Guha;
(8) Mr. Razaur Rahman Khan;
(9) Khan Bahadur Maulvi Azizul Haque;
(10) Maulvi Syed Nausher Ali;
(11) Maulvi Abdul Hamid Shah;
(12) Maulvi Tamizuddin Khan;
(13) Mr. Mukunda Behari Mallik;
(14) Rai Sahib Rebati Mohan Sarker; and
(15) myself.

The motions of Mr. Bijoy Prasad Singh Roy, Maulvi Abdul Hamid Shah, Rai Sahib Rebati Mohan Sarker and Maulvi Tamizuddin Khan were then, by leave of the Council, withdrawn.

The following amended motion was then put and agreed to:—

That the Bengal Tenancy (Amendment) Bill, 1929, be referred to a Select Committee consisting of the Hon'ble Sir Provash Chunder Mitter, Kt., C.I.E.; Maulvi Syed Majid Baksh; Babu Jitendralal Bannerjee; Mr. Altaf Ali; Mr. Bijoy Prasad Singh Roy; Mr. H. J. Twynam; Babu Sarat Kumar Roy; Mr. P. N. Guha; Mr. Razaur Rahman Khan; Khan Bahadur Maulvi Azizul Haque; Maulvi Syed Nausher Ali; Maulvi Abdul Hamid Shah; Maulvi Tamizuddin Khan; Mr. Mukunda Behari Mallik and Rai Sahib Rebati Mohan Sarker; with instructions to submit their report by the 20th February, 1930, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

3 p.m.

The Calcutta Municipal (Amendment) Bill, 1929.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I beg to introduce a Bill further to amend the Calcutta Municipal Act, 1923.

[The Secretary then read the short title of the Bill.]

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I beg to move that the Bill be referred to a Select Committee consisting of—

(1) Mr. D. J. Cohen;

(2) Mr. H. S. Suhrawardy;

(3) Khan Bahadur Maulvi Alimuzzaman Chaudhuri,

(4) Rai Badridas Goenka Bahadur, C.I.E.,

(5) Babu Sanat Kumar Ray Chaudhuri;

(6) Mr. C. W. Gurner; and

(7) myself;

with instructions to submit their report as soon as possible and that the number of members whose presence shall be necesary to constitute a quorum shall be five.

Now, Sir, with your permission I propose to explain the scope of the Bill as briefly as possible. It primarily deals with provisions for proper control of adulterated food in the Calcutta Municipal area. We have already provided for some safeguards in the Act of 1923. The

last few years' experience, however, has prominently brought to our notice the case of tinned desiccated milk. There is practically no check to ensure the purity of tinned milk. We thought of seeking the help of the Sea Customs Act, but the Government of India have pointed out that it would not be legitimate to prohibit the import of desiccated tinned milk under the Sea Customs Act. Moreover, that would not affect such milk tinned in this country. We, therefore, propose to add some more safeguards in the Calcutta Municipal Act. One of them is that all tinned milk should be labelled and marked in such manner as may be prescribed, another is the fixing of standard of purity of such milk. Sir, the next important article of food which we have considered in this Bill is butter. We have provided that only vegetable matter is to be used for colouring purposes; and we have further provided that only salt can be used as a preservative.

Sir, we have taken advantage of this opportunity to make certain technical corrections in the Act. They are of a trivial nature and have been explained in the Statement of Objects and Reasons.

In conclusion I should add that the Bill has received the approval of the Calcutta Corporation. Though this is a small Bill we think that it should be carefully considered by a Select Committee. I therefore move that the Bill be referred to the Select Committee as suggested by me.

Maulvi TAMIZUDDIN KHAN: I beg to move, by way of amendment, that after the name of Mr. C. W. Gurner, the following name be inserted, namely—

Maulvi Syed Majid Baksh.

Maulvi Syed Majid Baksh has made a careful study of the question, and I, therefore, think it would be helpful if he is taken into the Committee, and I think the Hon'ble Minister will have no objection to this addition.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Sir, I accept the amendment.

Mr. PRESIDENT: In that case, the Hon'ble Minister may amend his motion as was done in the previous case and I am prepared to accept it as an amendment on short notice.

The motion of Maulvi Tamizuddin Khan was, then by leave of the Council, withdrawn.

The following amended motion was then put and agreed to—

That the Calcutta Municipal (Amendment) Bill, 1929, be referred to a Select Committee consisting of the Hon'ble Kumar Shib

Shekhareswar Ray; Mr. D. J. Cohen; Mr. H. S. Suhrawardy; Khan Bahadur Maulvi Alimuzzaman Chaudhuri; Rai Badridas Goenka Bahadur, C.I.E., Babu Sanat Kumar Ray Chaudhuri; Mr. C. W. Gurner and Maulvi Syed Majid Baksh; with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The Bengal Food Adulteration (Amendment) Bill, 1929.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I beg to introduce a Bill further to amend the Bengal Food Adulteration Act, 1919.

[The Secretary then read the short title of the Bill.]

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I beg to move that the Bill further to amend the Bengal Food Adulteration Act, 1919, be referred to a Select Committee consisting of—

(1) Mr. D. J. Cohen;

(2) Mr. H. S. Suhrawardy;

(3) Khan Bahadur Maulvi Alimuzzaman Chaudhuri;

(4) Rai Badridas Goenka Bahadur, C.I.E.;

(5) Babu Sanat Kumar Ray Chaudhuri;

(6) Mr. C. W. Gurner; and

(7) myself;

with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, this Bill is almost analogous to the Calcutta Municipal Bill which has just been referred to a Select Committee.

To state briefly, Sir, we have dealt with two important matters in this Bill. One is the control over condensed or desiccated milk. Here we have followed the line adopted in connection with such milk in the previous Bill. And, Sir, the other matter refers to certain provisions prohibiting the sale, manufacture or storage of food prepared with adulterated ingredients. Sir, a peculiar defect in the present Act has been brought to our notice by a decision of a court that whereas the sale or storage of adulterated ingredients, such as ghee or oil, etc., is punishable under the law, the sale or storage of edible things prepared with such ghee or oil, etc., is not similarly punishable. Such

a state of things is absurd on the face of it. We have, therefore, made provisions in this Bill correcting this defect in the Act. Sir, this Bill being analogous to the Calcutta Municipal Bill, I propose to refer this Bill to a Select Committee with the same personnel and I hope my motion would be acceptable to the House.

Rai Sahib REBATI MOHAN SARKER: I beg to move, by way of amendment, that after the name of Mr. C. W. Gurner, the following names be inserted, namely—

(1) Maulvi Ashrafuddin Chaudhuri;

(2) Maulvi Azizur Rahman; and

(3) myself.

Maulvi TAMIZUDDIN KHAN: I beg to move, by way of amendment, that after the name of Mr. C. W. Gurner, the name of Maulvi Syed Majid Baksh be inserted.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I may include the name of Mr. Majid Baksh.

Mr. PRESIDENT: Does the Hon'ble Minister accept the amendment of Maulvi Tamizuddin Khan for the insertion of the name of Maulvi Syed Majid Baksh?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I have no objection.

Mr. PRESIDENT: With regard to the amendment of Rai Sahib Rebati Mohan Sarker, I take it that the Hon'ble Minister is not willing to include the names suggested by the Rai Sahib.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: It will create a queer situation. The Bills are analogous and it would not be conducive to smooth working if the Select Committee of one Bill consists of one set of members and that of the other Bill consists of a different set. I would, therefore, request the Rai Sahib to withdraw his motion.

The motion of Rai Sahib Rebati Mohan Sarker was then put and lost.

The motion of Maulvi Tamizuddin Khan was then put and agreed to.

The following amended motion was then put and agreed to—

That the Bengal Food Adulteration (Amendment) Bill, 1929, be referred to a Select Committee consisting of the Hon'ble Kumar Shib Shekhareswar Ray; Mr. D. J. Cohen; Mr. H. S. Suhrawardy; Khan Bahadur Maulvi Alimuzzaman Chaudhuri; Rai Badridas Goenka Bahadur; Babu Sanat Kumar Ray Chaudhuri; Mr. C. W. Gurner and Maulvi Syed Majid Baksh; with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Adjournment.

The Council then adjourned till 2-30 p.m., on Friday, the 7th February, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 7th February, 1930, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 91 nominated and elected members.

Oath or affirmation.

The following members made an oath or affirmation of their allegiance to the Crown:—

Babu Jatindra Nath Basu.

Mr. Shanti Shekhareswar Roy.

Mr. Saileswar Singh Roy.

Babu Profulla Kumar Guha.

Starred Questions

(to which oral answers were given.)

Arrangement for disposal of Judicial functions at Dinajpur.

*32. **Maulvi HASSAN ALI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) if the District Judge of Dinajpur has got to absent himself from Dinajpur for a major space of every year owing to his Jalpaiguri and Darjeeling sittings;

(*ii*) if in consequence there are pending at Dinajpur civil appeals and miscellaneous cases;

(*iii*) if for want of time he has got to transfer some civil appeals to the Subordinate Judge; and

(*iv*) if the Subordinate Judge has got to leave the headquarters occasionally for Jalpaiguri sittings and cannot make sufficient time to hear civil appeals at Dinajpur?

(*b*) Are the Government considering the desirability of posting a permanent Additional District and Sessions Judge and a permanent Subordinate Judge with powers of an Assistant Sessions Judge exclusively for Dinajpur? If so, when?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) (*i*) Yes: he spends a portion of the year at Jalpaiguri and Darjeeling. An Additional District Judge, however, worked at Dinajpur for 214 days during the year 1929.

(*ii*) As usual some civil appeals and miscellaneous cases are pending.

(*iii*) The Sub-Judge is principally occupied in trying original suits, but some civil appeals are transferred to him so that he may have work when the original suits are not ready for hearing.

(*iv*) The officer is Sub-Judge of Dinajpur and Jalpaiguri and he works in both places according to necessity of business.

(*b*) No. A temporary additional District Judge has been posted there from the 2nd of January until the Civil Court vacation of 1930 which begins on the 22nd September, 1930. There is a scheme for a separate Sub-Judge for Jalpaiguri and Darjeeling, and when effect can be given to this scheme Dinajpur will get a whole-time Subordinate Judge

Maulvi HASSAN ALI: Will the Hon'ble Member be pleased to state how many days the District Judge of Dinajpur has been away during the last 3 years? I want the figures year by year, separately.

The Hon'ble Mr. A. N. MOBERLY: I must ask for notice.

Maulvi HASSAN ALI: With reference to answer (*a*) (*ii*), will the Hon'ble Member be pleased to state how many one-year old, two-year old and three-year old cases are pending?

The Hon'ble Mr. A. N. MOBERLY: I submit, Sir, that if the member wants figures of this nature, he should have asked for them.

Maulvi HASSAN ALI: What is the approximate date when the scheme for giving a separate Judge to Dinajpur will be given effect to?

The Hon'ble Mr. A. N. MOBERLY: When the financial condition of the province admits of it, and the Council votes the money.

Travelling allowance and other expenses for sessions work at Bogra.

***33. Khan Bahadur Maulvi HAFIZUR RAHMAN CHAUDHURI:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state the amount spent for meeting the travelling, halting and other expenses of the—

(*1*) Sessions Judge,

(*2*) Additional Sessions Judge, and

(*3*) their staff,

in connection with sessions work at Bogra during the year 1929?

The Hon'ble Mr. A. N. MOBERLY: The amount spent for meeting the travelling, halting and other expenses of the (*1*) Sessions Judge, (*2*) Additional Sessions Judge, and (*3*) their staff, in connection with sessions work at Bogra during the year 1929 is given below:—

	Rs.	as.
(*1*) Sessions Judge ...	620	8
(*2*) Additional Sessions Judge ...	891	8
(*3*) Their staff .	751	0

Facilities to Muhammadan employees and litigants for saying their daily "Zohur" and "Asar" prayers.

***34. Nawab Khwaja HABIBULLAH:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the Government are considering the desirability of fixing two periods of 20 and 10 minutes respectively, when the work of Courts might cease, to afford the Muhammadan employees and litigants an opportunity of saying their daily *Zohur* and *Asar* prayers, under such terms and conditions as may be suitable?

The Hon'ble Mr. A. N. MOBERLY: No.

Maulvi SYED MAJID BAKSH: May I know whether the Hon'ble Member will give sympathetic consideration to this matter?

The Hon'ble Mr. A. N. MOBERLY: I would plead with my Muhammadan friends in this House not to press this question of prayers. It is well-known that the work in the Civil Courts is very greatly congested and if any proposal of this sort is pressed and by any chance effect is given to it, we shall have seriously to consider the question of employing as many Muhammadans as we do, because work must go on.

Maulvi ABUL KASEM: May I know from the Hon'ble Member if an employee wishes to absent himself to say his prayer, will he be punished for doing so, or will he be allowed to absent himself?

The Hon'ble Mr. A. N. MOBERLY: The matter is within the discretion of the presiding officer.

Maulvi ABUL KASEM: Is the Government considering the desirability of giving leave to the litigants and Government employees to say their prayer? My question is, if Government employees absent themselves, or want to absent themselves to say their prayer, will they be given the necessary permission to do so? And in the case of litigants, will they be granted permission to be absent, or will the case be carried on during their absence?

The Hon'ble Mr. A. N. MOBERLY: I think I have already answered the question. It lies entirely within the discretion of the presiding officer and the head of the office concerned.

Mr. PRESIDENT: I take it that the Hon'ble Member does not want to add anything to his answer.

Maulvi SYED MAJID BAKSH: Is it not possible to send information confidentially or otherwise to the presiding officers and the heads of offices, that they will overlook the absence of litigants and employees to say their prayers?

Mr. PRESIDENT: This is a question which is very much like the one put by Maulvi Abul Kasem. I take it that the Hon'ble Member does not like to add anything to what he has already said.

Satkhira khal.

***35. Maulvi Syed JALALUDDIN HASHEMY:** Will the Hon'ble Member in charge of the Irrigation Department be pleased to state when the Government propose to take up the work of excavating and widening the Satkhira khal from Elarchar to Shayer for the improvement of the sanitation of the town and for the introduction of the steamer route between Elarchar and Satkhira?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Chuznavi): A project has been prepared and forwarded to the Collector of Khulna for taking action under Act VI (B.C.) of 1920. It is for the parties interested to move the Collector under section 3 of the Act.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state the date when the project was prepared?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Last September.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state the policy adopted in the department in making a difference between projects to be done by the Government and projects to be done by the people?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: The project is a sanitary improvement scheme, and as such, it was forwarded to the Collector.

Khan Bahadur Maulvi AZIZUL HAQUE: I am afraid perhaps the Hon'ble Member did not understand my question. What I want to know is the policy behind all Government decisions in making a project an irrigation project to be done by the people or a project to be done by the Government?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: It entirely depends on the circumstances of the case.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state what are the circumstances that will determine the decision that a particular project should be done by the people or taken up by the Government?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I have nothing to add to what I have already said.

Kazi EMDADUL HOQUE: When was the project forwarded to the Collector of Khulna?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I have already answered that; it was in September last.

Kazi EMDADUL HOQUE: My question is will the Hon'ble Member be pleased to state when the project was forwarded to the Collector of Khulna?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: It was forwarded in September last.

Free supply of drinking water on inland passenger vessels.

*36. **Mr. A. K. FAZL-UL HUQ:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether it is a fact that half a gallon of fresh drinking water is stored in proper vessels per passenger carried and supplied free of charge in the inland steam and other vessels?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the water stored and supplied is—

(*i*) filtered or reserve tank water, or

(*ii*) unfiltered and muddy river water?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) Yes. Under Notification No. 68-Mne., dated the 26th October, 1927, "A sufficient supply of fresh drinking water, being not less than ½ gallon per passenger carried, shall be stored in casks or iron tanks on every inland steam or motor vessel which plies for hire for passengers, to be supplied free of charge to the passengers."

(*b*) The water generally supplied is river water which is allowed to settle in tanks and is cleared by alum.

Overflooding of Koiya and Mourakshi rivers.

*37. **Srijut TAJ BAHADUR SINGH:** (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware that hardship, inconvenience and much loss of crops and cattle are annually caused to the inhabitants of half a dozen villages from Talgram to Shahbajpur through the overflooding of the Koiya and Mourakshi rivers in the Kandi subdivision of the Murshidabad district?

(*b*) Is the Hon'ble Member also aware that the overflooding is caused through want of sufficient culverts in the railway embankments of the Bandel-Barharwa section of the East Indian Railway?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering the desirability of drawing the attention of the Railway authorities to this matter?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) Yes.

(*b*) No, the real cause of flooding is breaching of zamindari embankments along the borders of these rivers. These embankments are not properly maintained.

(*c*) Does not arise.

Maulvi ABUL KASEM: With reference to answer (*b*), will the Hon'ble Member be pleased to state whether a railway embankment does not obstruct the flow of the river?

The Hon'ble Mr. A. MARR: I want notice of this question.

Unstarred Questions

(answers to which were laid on the table.)

Canal in the Bhagbangola thana to feed Gobra nala.

29. Babu JITENDRALAL BANNERJEE: (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether it is a fact that there is not a sufficient flow of water in the canal dug in the Bhagbangola thana of the Murshidabad district to carry water into the Gobra *nala*?

(*b*) Have the Government any information as to the cause of this defect?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state whether it is in the contemplation of Government to take any steps in the near future in the matter?

(*d*) Is it a fact that the canal will fail to serve any useful service unless the flow or pressure of water can be increased?

(*e*) What was the total expenditure incurred for the excavation of the said canal?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) The supply in the canal was adequate except for a short period before the *aus* crop was cut, when it had to be restricted somewhat owing to the possibility of damage to the crop if the full supply of water were sent down.

(*b*) There is no defect in the system.

(*c*) Does not arise.

(*d*) No.

(*e*) Rs. 2,84,673.

Mussalman ministerial officers in the Chittagong Division.

30. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement giving the present figures in different offices separately of different districts of the Chittagong Division showing—

(*i*) the number of Mussalman ministerial officers; and

(*ii*) their proportion to the strength of the different cadres?

(*b*) Have the Government taken any step to enforce the circular of 1925 to the effect that the appointments in the Government offices should be based on population?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter: (*a*) A statement showing separately the number of Mussalman ministerial officers to whom the circular of 1925 applies and their proportion to the strength of the different cadres in the different offices of different districts of the Chittagong Division is laid on the table.

(*b*) Yes.

Statement referred to in the reply to clause (*a*) *of unstarred question No. 30.*

STATEMENT SHOWING SEPARATELY THE NUMBER OF MUSSALMAN MINISTERIAL OFFICERS TO WHOM THE CIRCULAR OF 1925 APPLIES AND THEIR PROPORTION TO THE STRENGTH OF THE DIFFERENT CADRES IN DIFFERENT OFFICES OF DIFFERENT DISTRICTS OF THE CHITTAGONG DIVISION.

Name of office.	Total number of Muhammadan ministerial officers.	Their percentage to total strength.
Chittagong.		
Chittagong Magistrate-Collectorate (including subdivision) ...	65	4·9
Khas Mahals ...	23	34·3
Tippera.		
Tippera Magistrate-Collector's office (including subdivision) ...	40	35·7
Khas Mahal ...	1	33·3
Noakhali.		
Noakhali Magistrate-Collector's office (including subdivision) ...	32	45·7
Khas Mahal ...	8	40·0
Chittagong Hill Tracts.		
Deputy Commissioner's office.		
Chittagong Hill Tracts ...	4	16·0

According to a Government decision arrived at in 1926 the minimum reserved for appointments from the Mussalman community is 4 per cent. The said decision is based on the percentage of Mussalman population in that district.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state as to how the figure of 4 per cent. reserved for the Muhammadans of Chittagong has been arrived at?

The Hon'ble Sir PROVASH CHUNDER MITTER: If the member is referring to the first part of the statement laid on the table in reply to this question, I am afraid I must say it is a printing mistake. It should be 41·9.

Khan Bahadur Maulvi AZIZUL HAQUE: What about the figure 4, in the last portion of the statement?

The Hon'ble Sir PROVASH CHUNDER MITTER: That refers to the Chittagong Hill Tracts. It is self-explanatory.

Appointment of officers in charge of districts on communal basis.

31. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether there is any circular in the matter of appointing officers of different communities to hold charge of districts of Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the circular?

(*c*) Is the circular strictly followed? If not, why not?

(*d*) Are the Government considering the desirability of maintaining an almost equal number of Hindu and Moslem District Magistrates in Bengal?

(*e*) Will the Hon'ble Member be pleased to state whether it is in the contemplation of Government to raise the number of Muhammadan officers to hold charge of districts as Magistrates?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) No.

(*b*) and (*c*) Do not arise.

(*d*) No.

(*e*) No.

Steamer passengers and their fares.

32. Mr. A. K. FAZL-UL HUQ: (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state what steps, if any, have been taken to give effect to the resolution which was passed by this Council on the 11th February, 1929, regarding the appointment of a committee to inquire into the grievances of the steamer passengers and their fares?

(*b*) With reference to the reply given to starred question No. 3 at the Council meeting held on the 5th August, 1929, will the Hon'ble Member in charge of the Marine Department be pleased to state what advice the Government have received from their technical and legal advisers on the various questions referred to therein?

(*c*) Will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) the names of the legal and technical advisers; and

(*ii*) the opinion expressed by them on the questions?

(*d*) Are the Government proposing taking any action on their recommendations? If not, why not?

The Hon'ble Mr. A. MARR: (*a*), (*b*), (*c*) and (*d*) A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 32.

In the resolution which was carried by the Bengal Legislative Council on the 11th February, 1929, on the subject of the appointment of a committee to examine the working of the steamer services managed by the I. G. N. and Ry. Co. and the R. S. N. Co., Ltd., the following issues were raised:—

(*a*) Convenience in accommodation for passengers, including female passengers, in the different classes;

(*b*) Fares charged in consideration of the distances travelled;

(*c*) Advisability or otherwise of transmitting goods by passenger steamers; and

(*d*) Waiting accommodation, gangways and landing places in the different ghats.

In regard to (*b*) and (*d*) Government have obtained the opinion of their legal advisers. Their opinion on (*b*) is to the effect that under the existing law, Government cannot make rules prescribing actual

fares. As regards (*d*), their opinion is that it is within the competence of the local Government to frame rules regarding the provision of waiting accommodation, gangways, etc. Government have asked their technical advisers to submit draft rules on these lines.

On (*a*) and (*c*) Government have consulted their technical advisers. These points are covered by the regulations issued by the local Government as instructions to their surveyors for the survey of inland steam vessels and the following action has, up to date, been taken.

Proposals for the revision of the instructions to surveyors, referred to above, have been framed by the Principal Engineer and Ship Surveyor, Calcutta. They fall under the following heads:—

(*1*) Carriage of cargo on deck.

(*2*) Passenger accommodation.

(*3*) Carriage of search-lights.

(*4*) Mensurement of deck.

(*5*) Latrine accommodation.

(*6*) Prevention of fire.

(*7*) Periodical docking.

(*8*) Life-saving appliances.

It is proposed, in the first place, to obtain the views of the steamer companies on these proposals.

Orders have been issued requiring the certificates of survey, one in English and another in vernacular, to be exhibited in appropriate places on the vessel, viz., the English copy on the main deck in the wake of the forward gangways and the vernacular copy on the same deck in the wake of the aft gangways.

Application for right of pre-emption.

33. Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) how many applications have been made in each district of the province for exercising the right of pre-emption that has been given to the landlords by the Bengal Tenancy (Amendment) Act, 1928 (Bengal Act IV of 1928), from the date on which it came into operation up to the date for which figures are available; and

(*ii*) how many of these applications have been disposed of and with what result?

The Hon'ble Sir PROVASH CHUNDER MITTER: (i) A statement is laid on the table.

(ii) Information is not available.

Statement referred to in the reply to clause (i) of unstarred question No. 33.

Names of districts.	Total number of applications under section 26-F of the Bengal Tenancy Act—from April to November, 1929.
Bakarganj	... 20
Bankura	... 5
Birbhum	... 11
Burdwan	... 23
Chittagong	... ...
Dacca	... 111
Dinajpur and Jalpaiguri	. 70
Faridpur	... 30
Hooghly and Howrah	... 22
Jessore	... 3
Khulna	... 11
Midnapore	... 29
Murshidabad	... 23
Mymensingh	... 112
Nadia	... 7
Noakhali	... 1
Pabna and Bogra	... 40
Rajshahi and Malda	... 68
Rangpur	... 84
Tippera	... 17
24-Parganas	... 18
Total	705

Scale of pay of process-servers.

34. Mr. K. C. RAY CHAUDHURI: (a) Is the Hon'ble Member in charge of the Judicial Department aware of the following findings of the All-India Civil Justice Committee presided over by Mr. Justice Rankin:—

"In Bengal the scale of process-servers is fixed in some district at Rs. 18—1/5—22 and in other districts at Rs. 16—1/5—20. This scale of remuneration which is less than that of a cooly or a domestic servant, hardly affords a living wage to the process-serving staff. It

is no wonder that they frequently succumb to temptation. It is only in Bombay that the gravity of the situation has been realised and that a scale of remuneration has recently been sanctioned commensurate with their duties and responsibilities. The scale of pay in Bombay ranges from Rs. 20 to Rs. 40 for the inferior class of process-servers with an efficiency bar at Rs. 40 and Rs. 50 for the superior class of process-servers."

(*b*) Will the Hon'ble Member be pleased to state what action, if any, has been taken on the findings quoted above?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes. The pay of the process-servers of Bengal is less than that of Bombay but it is more than that of any other province.

(*b*) In the present condition of the provincial finances it is not possible to take up the question of increasing the pay of process-servers.

Process-servers' pay.

35. Mr. K. C. RAY CHAUDHURI: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the Registrar of the Calcutta High Court, Appellate Side, addressed letter No. 15316G., dated 18th November, 1926, to the District Judges regarding improvement of process-servers' pay?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what action, if any, has been taken on the replies received from the District Judges?

The Hon'ble Mr. A. N. MOBERLY: (*a*) The letter was addressed to a few District Judges.

(*b*) The matter is still under consideration of the High Court.

Income from cesses in the 24-Parganas district, rural and Sundarban areas.

36. Babu SANAT KUMAR RAY CHAUDHURI: Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) the total annual income from cesses in the 24-Parganas district;

(*ii*) the proportion of it derived from the Sundarban area of the district;

(*iii*) the total expenditure in the rural areas of the district on—

(1) water-supply;

(2) roads, new works;

(3) roads, repairs;

(4) education;

(5) medical relief;

(*iv*) the expenditure on the said heads in the Sundarban area; and

(*v*) the amount spent on public works by the Government in the Sundarban area of the 24-Parganas together with heads of such expenditure?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*) Rs. 5,35,568 in 1928-29.

(*ii*) Rs. 2,13,896 in 1928-29 or 39·93 per cent. of the total cess income of the district.

(*iii*) Expenditure during 1928-29—

(1) Rs. 95,813;

(2) Rs. 74,164;

(3) Rs. 3,27,879;

(4) Rs. 1,64,362;

(5) Rs. 2,36,950.

(*iv*) Expenditure during 1928-29—

(1) Water-supply, Rs. 14,549.

(2) Roads, new works, Rs. 7,293.

(3) Roads, repairs, Rs. 7,696.

(4) Education, Rs. 68,982.

(5) Medical relief, Rs. 29,755.

Besides Rs. 31,336 was spent by Government on the Sundarban states under direct management, for sanitary and agricultural improvement.

(*v*) In 1928-29, Rs. 441 only was spent on repairs of buildings.

[2-45 p.m.]

Amendment of Bengal Irrigation Act and certain other Acts.

27. Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether the Government are considering the desirability of taking steps for the early amendments of the Bengal Irrigation Act, 1876 (Bengal Act III of 1876), and the Bengal Agricultural and Sanitary Improvement Act, 1920 (Bengal Act VI of 1920), and the Co-operative Societies Act, 1912 (II of 1912), to secure provisions for easier and better water-supply for agricultural purposes?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: No.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Member be pleased to state whether the Bengal Irrigation Act, the Bengal Agricultural and Sanitary Improvement Act, and the Co-operative Societies Act can be amended so as to give better facilities for water-supply for agricultural purposes?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I am only concerned with the Irrigation Act. I want notice.

Khan Bahadur Maulvi AZIZUL HAQUE: May I know who will answer the question as regards the Bengal Agricultural and Sanitary Improvement Act? The three questions are put together.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: It is not in my department.

Khan Bahadur Maulvi AZIZUL HAQUE: May I take it that it is not in the department of anybody in the Government of Bengal? We want to know whether the Government will be pleased to state how many schemes have been prepared up to date and how many of them executed?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I think it is in my department. I want notice of the question.

Mr. PRESIDENT: The questioner should have divided his question and addressed two distinct and separate questions to the proper authorities, but his mistake ought to have been detected by the Legislative Department and myself. Since that has not been the case, I think I should advise the questioner to split up his question and give fresh notice to the departments concerned, so that he may have proper answers.

Irrigation schemes on both sides of Kananadi.

38. Mr. BIJOY PRASAD SINGH ROY: (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state—

(*i*) whether it is a fact that when water used to be supplied with the help of *kuncha bund* on the Kananadi at Garalmuri in the district of Burdwan the area for which the raiyats used to contract to have the supply of water, was about 6,000 bighas; and

(*ii*) whether the same area has been reduced to only about 3,000 bighas since the construction of the *pucca* regulator at the same place?

(*b*) Is it a fact that while about 6,000 bighas could be supplied with water on the left side of the Kananadi with the *kuncha bund* and about 3,000 at present through *pucca* regulator at Garalmuri only about 300 bighas could be supplied with water on the right side of the river?

(*c*) Is it a fact that the Government propose to excavate a new distributary channel on the left side of the Kananadi which it is expected will irrigate an additional area of about 6,000 bighas on the left side of the river, but will not benefit any additional area on the right side?

(*d*) Are the Government considering the desirability of making two regulators further down the existing regulator at Garalmuri in the light that the project is likely to cost less than the one proposed by the Irrigation Department and to benefit nearly 24,000 bighas of land on both sides of the Kananadi?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) (*i*) Yes.

(*ii*) Yes: this is due to neglect in maintaining the local village channels, which are in charge of villagers.

(*b*) Yes: this is due to the Srimanpur drainage channel lying in the way.

(*c*) A project is under consideration to make a distributary on the left bank to irrigate about 9,000 bighas. No scheme has as yet been prepared for irrigating the area on the right bank.

(*d*) The question of building additional regulators has been looked into and it has been found to be cheaper to irrigate a portion of the area mentioned by the left bank distributary. The question of making a right bank distributary will be looked into.

Mr. BIJOY PRASAD SINGH ROY: Is the Hon'ble Member aware that the regulator which is the property of Government is not on the village channels, but on the Kananadi?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I want notice of this question.

Mr. BIJOY PRASAD SINGH ROY: Notice for what?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: To give you all the information on the subject that you require.

Judicial procedure in rent suits.

39. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the judicial procedure in rent suits as prescribed in sections 148 onwards of the Bengal Tenancy (Amendment) Act, 1928 (Bengal Act IV of 1928), is being followed in all the courts?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state what steps, if any, the Government propose to take for the observance of the procedure in the future?

The Hon'ble Mr. A. N. MOBERLY: (*a*) It is presumed that the courts follow the procedure prescribed by the law. If a party suffers by an error in procedure, he may have his remedy in law.

(*b*) Does not arise.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state if any inquiry has been made to see that the procedure laid down in the Bengal Tenancy Act has been actually followed?

The Hon'ble Mr. A. N. MOBERLY: No, it is not a matter for the executive authorities.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state whether it is a fact that non-service of processes prescribed by the amended Act is due to not following the procedure laid down?

Mr. PRESIDENT: That is a matter of opinion.

NON-OFFICIAL MEMBERS' BUSINESS.

Non-official Members' Bills.

The Calcutta Municipal (Amendment) Bill, 1929.

Maulvi SHAMSUDDIN AHMED: I beg to move that the Calcutta Municipal (Amendment) Bill, 1929, be referred to a Select Committee consisting of—

(1) the Hon'ble Minister in charge of the Local Self-Government Department;

(2) Babu Jitendralal Bannerjee;

(3) Mr. P. Banerji;

(4) Mr. A. K. Fazl-ul Huq;

(5) Mr. H. S. Suhrawardy;

(6) Khan Bahadur Maulvi Alimuzzaman Chaudhuri;

(7) Maulvi Syed Jalaluddin Hashemy;

(8) Maulvi Ashrafuddin Chaudhuri;

(9) Mr. W. C. Wordsworth;

(10) Rev. B. A. Nag;

(11) Mr. P. N. Guha;

(12) Mr. A. Raheem, C.I.E.;

(13) Mr. Bijoy Prasad Singh Roy; and

(14) myself;

with instructions to submit their report before the commencement of March, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, I shall read out certain passages from the Statement of Objects and Reasons that have been given in the Municipal Amendment Bill. "The Calcutta Municipal Act, 1923.....

Mr. PRESIDENT: Maulvi Sahib, I do not think you need read that, because every member has been supplied with a copy of the Municipal Amendment Bill.

Maulvi SHAMSUDDIN AHMED: Then I formally move the motion. If there is any opposition from Government, I hope I will be given an opportunity to speak.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Sir, I would be very frank to the House and would admit at once that the rate-payers of the Cossipore-Chitpore and the Garden Reach areas have a genuine grievance and they have every sympathy of the Government. Sir, the Government have waited long in the hope that the Corporation of Calcutta, consisting of some of the best intellects of Bengal and with heavy responsibilities on their shoulders would rise to the occasion and be in a position to take full measure of the grievances of the rate-payers of the added areas, and by trying their best to remove them bring home to the residents the benefits and advantages of living in the second city of the Empire.

Sir, the very fact that there have been more than one attempt through this Council to get rid of the Corporation and that these attempts have received the sympathy and support of a good many members of the Council, proves perhaps conclusively that the Corporation of Calcutta has failed to satisfy the rate-payers of those areas and to discharge their duties to them as they should have done.

The Government now fully realise that the aggrieved party has a just claim on the Government for its protection. Sir, from the very beginning the Government were aware that the inclusion of some of the added areas within the limits of the Corporation would mean trouble to all, and would be more of a hindrance than a help. I hope the members are aware that some of these areas were incorporated in the Calcutta Corporation in spite of the Government and in the teeth of their opposition. Sir, our apprehensions were correct. They seem to be justified by the experience of the last six years' working of the Act in the added areas. The Government now feel that some action on their part is necessary to set matters right. But, Sir, if it was comparatively easy for the Government then to bow down to the wishes of this Council and to allow the areas to be added to the Corporation, the situation is now much more complicated, and the Government cannot so lightly allow the areas to be excluded. The Government cannot proceed desultorily and leave aside their responsibility. The Government cannot ignore the commitments made by the Corporation and the Improvement Trust in these areas. Nor can the Government overlook the investments made by capitalists in Garden Reach and Cossipore on account of the superior status which these localities attained as parts of the Corporation of Calcutta.

3 p.m.

Nevertheless an effective solution has got to be found out; and, for some time past, the whole question is engaging the serious consideration of the Government. Whether the grievances of the local people could be remedied while retaining these areas as parts of the Calcutta Corporation or by their exclusion is the whole crux of the problem.

But as I have said before the problem has increased in its complexity as years have rolled on, and now requires to be studied in all its bearings. It must be approached seriously, impartially and in a non-partisan spirit by men who are most competent to do so, and are experienced in municipal matters and municipal finance.

Sir, I speak not as an official but as a representative of the people fully prepared to take up a popular cause, that the Bill, as modelled, will, if passed, be a retrograde measure, and however competent a select committee might be, it would be beyond its scope to study the problem as it ought to be studied, and no efforts on the part of any select committee can possibly improve the Bill. The Bill, therefore, Sir, must go—that is, my candid opinion.

Sir, if we really want to remove the existing grievances, and about the existence of which we are all agreed, then we must proceed on different lines. We must face the problem fairly and squarely and not merely try to go back to the old assessments and the Act of 1884. Here you will find the Government stretching their helping hand to the people. I appeal to the popular representatives to grasp it and let us proceed hand-in-hand to serve the people to the best of our abilities.

Sir, I promise on behalf of the Government that we will forthwith appoint a committee and I claim the confidence of the House to leave it to us to make it a thoroughly competent and representative committee, which will fully examine the whole question and advise us how best to deal with the situation. But, Sir, with this Bill hanging over us, we cannot have such a committee. I, therefore, earnestly request the mover to withdraw his motion; but if he cannot see his way to do so, I must appeal to the hon'ble members of this Council to throw it out, to enable us to move in the matter in the best and most suitable manner possible.

Mr. BIJOY PRASAD SINGH ROY: At the outset I must say that I yield to no one not even to the Hon'ble Minister in my sympathy for the aggrieved rate-payers of the Cossipore-Chitpore and Garden Reach areas. But I think I owe it to the Corporation of Calcutta and the rate-payers of Calcutta whom I have the honour to represent in the Corporation, to say that it is not due to any negligence on the part of the Corporation that the people of Cossipore-Chitpore or Garden Reach have been suffering, but it is due to the defect in the Act itself. The Act is known as the Calcutta Municipal Act, No. II of 1923; and by section 7 of that Act a graduated scale of rates was provided for these added areas. The Calcutta Corporation took competent legal opinion about the interpretation of that section and the legal opinion was that relief could be given under that section to the whole of the areas concerned and not to individual cases. So the Act itself was defective and the Chief Executive Officer had no other alternative but

to rely on his power of revision under section 46 of the Calcutta Municipal Act. The result was that relief could not be given which the Corporation wished to do. So the real defect was in the machinery which was provided for by the Government and no blame was due to the Corporation. Within the last six years the Corporation of Calcutta, I understand, has spent nearly Rs. 45 lakhs for these added areas for water-supply. I am not in a position to say how much of this amount was provided for the water-supply of Garden Reach and how much for the Cossipore-Chitpore; but the Corporation has committed itself to the expenditure of Rs. 45 lakhs and there are other expenditures also. All these have got to be adjusted before the separation of Cossipore-Chitpore or Garden Reach is possible or can be thought of, but some relief has got to be given to the suffering rate-payers. Sir, I personally visited these areas. They are no better and I should say worse than most of the villages in Bengal. There can be no justification for levying Rs. 19½ per cent. tax—a rate payable by the people residing in Chowringhee quarter or by the people getting the benefit in the Burabazar area. But I hope that without separation some relief may be possible. We must not forget that Calcutta is expanding and the expansion of Calcutta should be our primary consideration. However much we may be willing to give relief to the suffering rate-payers of Garden Reach and Cossipore-Chitpore, we must not forget that we have got to anticipate the expansion of Calcutta. We cannot afford to wait till we are actually faced with the problem. The South Suburban municipal area, Bhowanipur, was added to Calcutta in the year 1888. Going through the old proceedings I find that there was a great protest at the time, and I should say, great lamentations from the people of this area. But if you ask the successors in interest of the rate-payers of the Suburban municipality they will tell us that their forefathers were not wise as they had derived ample benefit from this amalgamation. There are problems like drainage and water-supply which it is not possible for a small municipality to take up and if they want to come up to the level of Calcutta, these areas must come under the Calcutta Corporation; otherwise the people of these areas cannot hope to attain that level of improvement. I do not object to the reference of this Bill to the Select Committee. My friend, the Hon'ble Kumar Shib Sekhareswar Ray, has said that he cannot agree to the Select Committee, as we cannot appoint a special committee with this Bill hanging. I think that for the settlement or adjustment of these grievances, a special committee may be appointed, while this Bill may also be referred to the Select Committee, as moved by the member in charge of this Bill.

Maulvi ABUL KASEM: Sir, I congratulate the Hon'ble Minister in charge of the Local Self-Government Department on the eloquent speech with which he has opposed the reference of this Bill to Select

Committee and I admire more the diplomacy he has shown in this matter. He has begun, as is usual with Government members, that he has full sympathy with the residents of Garden Reach and Cossipore-Chitpore and that Government are prepared to do everything that lies in their power to help them. At the present moment the only way that Government can help them is that they are prepared to appoint the committee to enquire into the matter and to report to the Government for their consideration. I have found, Sir, that like some patent little pills a committee in the Government offices is a remedy for all evils which may arise from whatever causes, and the Hon'ble Kumar has provided another pill for the remedy of these people. We have been told, Sir, and it is admitted by Government, that the people of Garden Reach and of Cossipore-Chitpore, the added areas, are suffering, and that an injustice is being done to them, but that there is a difficulty in doing justice because there are commitments of the Calcutta Corporation which have to be taken into consideration and there are also other considerations as capitalists may have invested their money for the improvement of these areas. I think, Sir, that we should respect the commitments of the Calcutta Corporation as we do not like that they should suffer. But I do not see why we should not charge them for their neglect of duty in regard to these areas. We have been told by my young friend, Mr. Bijoy Prasad Singh Roy, that the Calcutta Corporation are not responsible for the miseries of the people of Garden Reach and of Cossipore-Chitpore. I cannot say, Sir, who is responsible, but I know this much that the people of these added areas have suffered miseries and have been losers since the amalgamation of these areas with the Calcutta Corporation. We are told, Sir, that in future—some fifty or hundred years hence when these areas will improve—our successors will realise the benefit of having been connected with a big Corporation like the Calcutta Corporation. We have been told again and again that it is a great advantage to live under the shadow of a great city, the second city in the Empire, and, therefore, it is a privilege which we should not easily forego. If I am starving in the streets of Calcutta it does not help me to know that I am related to the Czar of all the Russias, as the question is how I live and not how well I am connected or how well I am related. I found it to my misfortune and to my regret that policy of the Government and of a large section of my countrymen too has been to pay the greatest attention to the city of Calcutta, its improvement and its prosperity, and the poor cultivators and taxpayers of Bengal have to pay for the improvement of the city of Calcutta. So far as the people of these two small areas are concerned, they are quite prepared to forego the honour, the privilege and the dignity of being associated with the great Corporation of Calcutta and to live in their humble way as they did before. My friend has said that he has personally visited these areas and found that they are

worse than Bengal villages, that is to say unfortunately most of the Bengal villages are in a miserable condition; and why? Because of the neglect on the part of Government. These added areas, viz., Cossipore-Chitpore and Garden Reach, are even worse than the poor Bengal villages. I appeal to the members of this House—and it is useless to appeal to the Government—to carry this motion of referring the Bill to the Select Committee, because that would mean that we accept the proposal for the separation of these added areas from Calcutta. I wish my friend, the member in charge of this Bill had taken up this Bill at once for consideration without delaying it by referring it to Select Committee, but as he has moved for referring it to Select Committee, I hope the House will strongly support the motion and thereby confirm the opinion that we are for the separation of these areas from the Calcutta Corporation. With these few words I hope and trust that this motion will be carried.

3-15 p.m.

Mr. W. H. THOMPSON: Mr. President: Sir, speaking on behalf of the European group in this House, may I say that this group oppose this motion and object to the principle of this Bill as being retrograde. I admit, Sir, that there are backwaters in Cossipore-Chitpore which the fairy wand of the Swarajist Corporation has not been able to turn into lotus ponds. I admit, Sir, that there are corners in Garden Reach where one does not smell only the cherry blossom. But, Sir, it is not true that nothing has been done by the Corporation for these areas. Only yesterday morning I had occasion to go through to the other end of the Manicktolla Main Road. It is not in either of these two added areas but it is in one of the added areas. I had not been there for 3 years. I was astonished to find that there was a perfectly good tarmacadam road decently lighted right through to the canal and it is so in other added areas. In the matter of roads, in the matter of lighting much has been done by the Corporation; in the matter of water-supply and drainage there is not much to show. But I would remind you, Sir, that even we, in Calcutta, are still waiting for our new supply waiting most of us with our taps turned on to make sure that we each waste our fair share of it when it does come. Much has, however, been planned and a good deal has been spent. The water-supply scheme has been revised, the size of the pipe altered specifically in order to include the added area.

For comforts, such as Mr. Bijoy Prasad Singh Roy has mentioned, to the rate-payers of these added areas may I point to the last addition which was made previous to this one to the city of Calcutta. It is not many years ago since the area in the north of the town between Upper Circular Road and the canal was added to Calcutta and I do not think that one can point to any spot in Calcutta where there has

been a greater transformation than the area through which Raja Dwinendra Street runs, and remember that that was not due to the Improvement Trust. Raja Dwinendra Street was a Corporation scheme. The Corporation did what it could for this last added area and the result is now showing. It is doing what it can for the area which has been so recently added to it. But, Sir, I beg you not to consider the matter only from the very small point of view of the position of the local rate-payers, but to consider it from a wider point of view. Mr. O'Malley who did the census of 1911 wrote very strongly on the subject and the figures of the census of 1921 and the vital statistics of subsequent periods, the intervening decade and the present are, have borne out what he said. The various health officers from time to time have said the same thing. You cannot secure the well being of Calcutta, the second city in the Empire, by thinking only of the city itself. The city depends so much upon its surroundings. The health of Calcutta is not safe when it is surrounded by undrained and insanitary suburbs which are not within the control of a central authority, plague spots from which disease will spread and poison the heart of the city. The birth and the spread of such disease may be stopped if the whole is under one authority. It is a world-wide tendency, which reappears in every country, the large cities claiming a voice in the administration of their suburbs. Look at the present jurisdiction of the London County Council or the size of the city of Birmingham. Look at the spread of greater Berlin, Vienna, Paris. And if we are not to go backwards we must follow up the same road. We, in this group, have all sympathy with the local rate-payers. There came upon the rate-payers at the same time a revaluation and an enhancement of rates. That is their trouble. The revaluation put up the basis of assessment and on top of that the rates were increased. At the time of the preparation of the Act of 1923 that was foreseen and as Mr. Bijoy Prasad Singh Roy has pointed out, section 7 of Act II I think I am right of 1924, provided that the Corporation should have authority, when fixing the consolidated rate, to fix a different rate for the added areas from the rate fixed for Calcutta. It was a quibble on the part of the Corporation to say that the Act having been drafted in the manner in which it was done it enabled them to give no relief. Even if it was true that they could give no relief to a part of the area without giving it to the whole then it was fairly a case for giving some relief at least to the whole. I submit, Sir, that in this matter Government has been in default. It was the Government and this House who placed these suburbs under Calcutta. It was the Government that foresaw that there might be hardship. It is the Government which made no attempt to secure that their hardship should be relieved. After the passing of Dr. Suhrawardy's Act I would ask the Hon'ble Member in charge of this department whether Government made a definite

approach to the Corporation to use section 7 to give relief to the rate-payers. I know what the answer will be and that being the case I maintain that it was the duty of Government then as it is the duty of Government now to introduce a Bill to extend the period of section 7 for such further period as may be required and further to take powers to order that the rates shall be reduced in the added area or part of the added area as it may think fit. I submit that it was too much to expect of a popularly elected Corporation that it would do this thing.

Last of all before I sit down may I appeal to you, Sir, and to the liberals in this House to remember that the Calcutta Municipal Act was the last piece of work and perhaps the best piece of work of the late Sir Surendra Nath Banerjea. Do not tear it to pieces out of sympathy—misplaced sympathy—with the selfish shortsightedness of a few.

Babu JITENDRALAL BANNERJEE: Sir, one argument employed by Mr. Thompson seemed to me to be very cruel—perhaps unconsciously cruel in its implications and inappositeness. Mr. Thompson said: Look at Calcutta, Calcutta must expand, Calcutta must grow and Calcutta must become greater day by day. You must focus all attention to Calcutta only when you are talking of improving the suburbs. We have no objection to the expansion of Calcutta but why should it expand at the expense of Garden Reach? If it is to expand why should the expense be borne by the rate-payers of the Cossipore-Chitpore and the Garden Reach municipalities when you deny them the amenities which are enjoyed by the people of Calcutta? Let the Calcutta people set up Improvement Trusts for its expansion and let the rich people enjoy greater amenities while they are prepared to pay much higher rates.

Another argument was employed by the last speaker—an argument with which he concluded his speech. That argument seemed also to be rather inappropriate. He appealed to the memory of the late Sir Surendra Nath Banerjea. Sir, so far as the inclusion of Garden Reach is concerned, I may say that that inclusion was carried out in the teeth of opposition by the late Sir Surendra Nath Banerjea. Sir, if we exclude Garden Reach to-day we shall be carrying out the intentions of the late Sir Surendra Nath Banerjea and we shall be honouring the memory of the late Sir Surendra Nath Banerjea and those who would still adhere to the policy, and not we, who would be insulting his memory.

Perhaps I will make the debates simpler if I were to say at the outset—and I have the full permission of the mover of the Bill to say so—that if this Bill is sent up to a Select Committee we shall be prepared to consider the question of omitting Cossipore-Chitpore from the scope of the Bill. If the European group were prepared to treat our case

sympathetically we would also placate their prejudice by excluding King George's Docks area from the scope of the Bill but so far as this is concerned the proposition does no longer hold good. The European group has shown its sympathy so far as the main resolution is concerned. The Hon'ble Minister was also profuse in his expression of sympathy but he has taken a very curious way of expressing his sympathy by opposing such a very simple proposal of referring the Bill to a Select Committee. They smothered us with a group of words—with a mass of verbiage. The Hon'ble Minister has said that complications have set in but he was careful not to specify what the complications were and what the new difficulties might be. He has uttered something vague. So far as Garden Reach is concerned there has been no commitments on the part of the Corporation. The case for Garden Reach lies in a nutshell. Sir, we have been amalgamated six years since. Our total collection has been raised from Rs. 2,00,000 to Rs. 6,00,000. Our assessment has been raised 300 per cent., and in return for all this what have we got? Not one single amenity—no arrangement for lighting, no arrangement for supplying water, no arrangement for the improvement of sanitation—nothing of the ordinary amenities which Calcutta enjoys and for which life seems worth living. I do not know how many of us have visited Garden Reach area. I have been through the whole of that purgatory the entire 4½ miles of Garden Reach. Sir, I have visited many of the villages of Burdwan and of Hooghly and I can say that there is nothing in the interior of Bengal which can compare in point of sordidness, in point of every discomfort which can compare with the interior of Garden Reach. That is what the Calcutta Municipality with all its commitments has done for us. It is the Calcutta Municipality which is crushing us with its increased taxation and this is what it has done for us. We say let us be relieved of Calcutta. There is not one of us who will support the inclusion of Garden Reach. I do not understand what grounds there can be for opposing this very simple measure. After all who are the parties? Government has nothing to loose; Government did not want the inclusion of this municipality at all. It was carried by a fluke —40 voting for inclusion and 40 voting against it and it was pointed out to the President after the Division was over that this tie was due to a mistake.

3-30 p.m.

The Government ought to have remained in a position of absolute neutrality in this matter. Who are the other parties that can possibly have any hostile interest? Take for instance the Calcutta Corporation. We do not know that the Calcutta Corporation will be incurably hostile to the exclusion. The Corporation have not cared to favour us with their views yet. We have been told that they are considering the question. They have been considering the question for many

months and they may go on considering the question for many months to come: that is their business. That, however, shows the expedition in their despatch of business. But from what I have been able to gather from members of the Calcutta Corporation it seems that they are not opposed to the exclusion of Garden Reach from the jurisdiction of the Calcutta Municipality. The Corporation profess that they have no interest in the matter. On the other hand, the people of Garden Reach press for the exclusion of the municipality from Calcutta.

In these circumstances I do not understand for whose benefit the Hon'ble the popular Minister spoke when he opposed the motion. With these words I support the motion of my learned friend.

Mr. H. S. SUHRAWARDY: Sir, before I begin I must apologise to the Hon'ble Minister and the European group for lowering the high standard of the debate set by Mr. Thompson and supporting the motion for reference of the Bill to a Select Committee. Not even the temptation of not being considered low and getting the commendation of Mr. Thompson as a person endowed with high and noble thoughts like himself, has succeeded in making me alter my view, and I trust that the House will yield to the demands of that low but vast majority of people who are affected by the provisions of this Bill. I am aware of certain bodies, certain high-souled bodies—chiefly I think the Bengal Chamber of Commerce, whose interests happen not to be affected in any way by this Bill who have given their opinion against the separation of Garden Reach and Cossipore and Chitpore from Calcutta; but if one considers the feelings of those who are radically interested in the Bill and weighs the relative value of the opinions, I think that the Hon'ble Minister as a popular representative of the people cannot but accede to the wishes of the vast majority. Meetings after meetings of the public have been held both in Garden Reach as well as in Cossipore-Chitpore, and the people there have demanded in no uncertain voice that there should be separation. The Calcutta Corporation appointed a sub-committee some considerable time ago for the purpose of considering all the various factors and problems which the separation may entail. I understand that meetings of the sub-committee were held, several questions were asked, much information gathered, but up till now there is no definite report. Nevertheless, we are aware that the representatives of the added areas have received most decided mandates for separation and are practically all of them in favour of it. In fact all that they are concerned with is to work out the details. I do not think that there will be much difficulty in dealing with the problems of financial adjustment if—and it is a very large if—the Calcutta Corporation has spent more money on these added areas than it has derived in taxes from them—a fact which the members from the added areas strenuously deny. As a matter of fact

if the Calcutta Corporation has given to Garden Reach one tarmacadam road, it has earned from it sufficient to give five such roads to it but if the Calcutta Corporation has actually spent more money than it has received, this can remain as a charge upon the municipalities after their secession. If the Calcutta Municipality has spent money or has entered into contracts in order to give them water, then the added areas will be glad to purchase the water from the Corporation so as to recoup it for its expenditure. Amalgamation with the Corporation has brought no advantages to these areas. While on the one hand their taxes have increased by leaps and bounds, while in their intermediate assessments they have been practically ruined, while their goods and chattels have been dragged from their homes to pay for municipal taxes, while they have to pay for more expensive municipal servants, their wants have in no way been met. The areas remain almost as devoid of those municipal amenities which they are entitled to expect particularly in view of the added burden. Garden Reach in particular, as any one can see for himself if he takes the trouble to go to that locality, instead of wandering about in Manicktolla is in great part nothing else but paddy land; and where it is not paddy land it is made up of thatched huts, slimy tanks, and narrow and dangerous and slippery pathways between these tanks. There is no light, no conservancy, no filtered water, and there is absolutely no likelihood of any improvement within a reasonable time. As a matter of fact though they have felt the burden of heavier taxes, they may as well have lived separated from Calcutta as form a part of it, for all the advantages that they have enjoyed. Then again, there is one aspect of this question which must not be forgotten. Before we deprive any self-governing institution of its autonomous nature, we ought to have grave reasons for doing so. Formerly the poorer people of these localities could have approached influential people of their area if they wanted some work done or representation made to the authorities, the work was done without much labour, hardship or expense. Formerly there were a larger number of people taking part and interest in the administration of these areas, and this obviously led to that education in self-governing institution that seems to form so fundamental a part of the prescribed test for national advance to-day. Now if any one is in difficulties he has to travel far and wide towards the municipal buildings, where he is lost in the mazes of its various offices, and has to gratify the demands of innumerable officers before he can get redress. To-day interest in the administration of the areas is limited to a few representatives who on account of the paucity of their numbers are unable to serve their constituency properly and, I think, Mr. Bijoy Prasad Singh Roy will agree with me, whose voice and demands are lost in the vast majority which represents original Calcutta. And then when one remembers that it was by a fortuitous combination of circumstances only that these areas were added and that they were

definitely excluded in the original scheme when the Act of 1923 was being forged, that it was only by a bare majority or indeed by a mistake on the part of the Minister that these areas came to be added, the case for separation is almost overwhelming. Such being the condition of things I believe there is a very fair case for reference to the sub-committee. If the problem can be solved in any other way than that of separation, such as by statutory reduction of taxes, although indeed this will only palliate one of the many evils, if the sub-committee is of opinion that it need not go the whole length of the Bill it can so recommend it and mould it, but it will be grossly unfair, grossly autocratic and high-handed if it was thrown out at this stage, and was not accorded a proper consideration of it by a committee of this House.

Mr. J. CAMPBELL FORRESTER: Mr. President, Sir, this debate takes me back two years ago, when the leader of a great party, who is not here to-day, and who is also the Mayor of the city, was present here. Unfortunately on that occasion he allowed his party feelings to sway him against the interests of this great city, with the result that at the meeting of the Corporation held immediately after the meeting of the Council, there was scarcely a member of the Corporation who did not attack him and put serious questions to him about his conduct. Well, Sir, Mr. Suhrawardy has mentioned that a special committee sat and nothing was done. Let me call his attention to the following.

A special committee of the Corporation recommended in 1918 the inclusion of Cossipore-Chitpore on the following among other grounds—

(*1*) that Cossipore-Chitpore is virtually a part and parcel of Calcutta and resembles the city in its characteristic features, the portion between Barrackpore Trunk Road and the river being only an elongation of the city;

(*2*) that the previous municipal boundary at the Circular Canal was purely artificial;

(*3*) that Cossipore-Chitpore was not a purely residential area which could be left to take care of itself but was practically a trading and commercial area of Calcutta and was in constant and continuous contact with the city;

(*4*) that with its undrained character it was a menace to the city; and

(*5*) that the resources of the local municipality and its powers under the Bengal Municipal Act were too limited to enable it effectively to improve the area and keep it on a level with Calcutta.

These considerations hold good to-day.

As regards Garden Reach, its inclusion was agreed to by the Council mainly because of the Docks. It would be inconvenient in practical working that the major portion of the Docks should be under one municipality and the extension under another. If the Docks were excluded from Garden Reach the rest of the area would hardly be able to subsist by itself.

As regards receipts and expenditure in the case of Cossipore-Chitpore, the Corporation realised Rs. 7,26,000 in 1926-27, Rs. 7,34,000 in 1927-28 and Rs. 7,31,000 in 1928-29. A complete account of the expenditure incurred is unfortunately not available as the overhead charges (e.g., general administration, the cost of the centralised departments and the cost of water supplied, etc.) cannot be allocated. But even as the figures stand it is seen that the expenditure in 1927-28 was Rs. 7,01,000 and in 1928-29 Rs. 7,29,000.

Now, Sir, Mr. J. L. Bannerjee has said Calcutta must expand but not at the cost of Garden Reach. Let us see what the actual facts about Garden Reach are. In the case of Garden Reach the receipts have ranged between Rs. 3,45,000 and Rs. 3,49,000 during the last three years. The expenditure excluding the cost of water, general administration, loan charges and other items swallowed up the whole of the receipts in 1927-28. The total demand for consolidated rate in 1928-29 in Garden Reach was about Rs. 3,16,000 out of which Rs. 2,95,000 was paid in respect of premises used for commercial and industrial purposes. The amount payable by the other residents was only Rs. 21,000. The plea, therefore, of the severity of the Corporation assessment falls to the ground.

3-45 p.m.

If it presses with severity in a few cases they could be met by reductions under special powers.

As regards improvement works, immediately the old Council decided to amalgamate these areas, the Corporation expanded the water-supply extension scheme at an estimated additional cost of Rs. 45 lakhs. This was mainly for enlarging the pumping plant at Pulta and Tallah, for increasing the filter beds, enlarging the settling tanks at Pulta, enlarging the reservoir at Tallah, increasing the size of the main from Pulta to Tallah and various other measures. This additional expenditure which the city had to incur must be allocated and I understand that the share of Cossipore-Chitpore will amount to about Rs. 10 lakhs and that of Garden Reach to about Rs. 16 lakhs. A new main to Garden Reach is in course of being laid. The cost of the scheme will be between Rs. 6 and Rs. 7 lakhs. In addition to this, the Corporation have sanctioned a distribution scheme for Cossipore-Chitpore and

another for Garden Reach at a cost of nearly Rs. 17 lakhs. They have also undertaken the survey of Garden Reach as a preliminary to prescribing alignments of roads, etc., and the survey will cost about a lakh of rupees. Within a year or two of Garden Reach coming to Calcutta, the Corporation installed electric lights there at a cost of nearly Rs. 50,000.

In addition to these, small improvements of a permanent nature have been done out of revenue in these areas, the expenditure in 1926-27 being Rs. 53,000 in Cossipore-Chitpore and in 1927-28 Rs. 83,000.

The Corporation have also made special arrangements to supply filtered water by means of lorries and carts and have been employing a water boat to supply water to tanks on the river side in Garden Reach. These arrangements alone, I understand, entailed an annual expenditure of nearly a lakh of rupees.

It is as well that these facts should be borne in mind when people talk of the shortcomings of the Corporation. Things cannot be improved in a day. The pace might have been made more rapid but it takes time to get a move on in the Corporation; and besides, the last 2 or 3 years the Corporation have had special difficulties in connection with loan which has served as a handicap in the matter of execution of improvement works out of revenue. But, Sir, I have said enough to prove to you that if Calcutta expands, it does certainly not at the cost of Garden Reach or Cossipore-Chitpore. I have also said enough to prove to this House that the Corporation with all its difficulties is doing good work, and it would certainly be hampered, if at the present moment the Bill be passed, as the question of the revision of the rates and assessments have got to be completed. I hope, Sir, that the House will show its commonsense by refusing to send this Bill to the Select Committee.

Mr. P. N. GUHA: Sir, the cry of the separation of these added areas is as old as the history of their inclusion. From the time when these areas were added, the people of these places began to take exception to the whole arrangement and were crying for separation. If I remember aright, it was Rai Harendra Nath Chaudhuri, who first brought in a Bill in this House to have the added areas separated, but somehow or other the Bill was shelved. Subsequently a Bill was introduced by Dr. Abdulla Suhrawardy and it was passed, but the assent of His Excellency the Governor was not given to it and it did not find a place in the Statute book. Those Indians who may have lived amongst the people of Garden Reach and Cossipore-Chitpore and other added areas know how keenly the people are feeling the pinch of the taxation and it is a fact that they are not getting the advantages for which they are paying. The condition of these areas is really

horrible. As a Councillor of the Calcutta Corporation I had several occasions to visit many places in these added areas and I am ashamed to confess that the condition of these areas is worse than any place for the abode of human beings that we can think of. Now the question is whether by a legislative measure this Council should send these areas out of the Calcutta Corporation. There are various difficulties in the way which have been sufficiently enumerated by the previous speakers. But the debate here has taken a distinct turn. I find that all the Indian members in this House, without any exception, think that the people of these areas are not being fairly treated. But Mr. Thompson in his speech on behalf of the European group thinks that the added areas should remain included within the Calcutta Corporation for the purpose of the development of Calcutta. He has spoken about the County Council of London—I have no experience of that. But, Sir, the greatest defect of the people of the ruling race is that they want to import everything English top to bottom to the Indian soil. It is for Mr. Thompson to realise that Calcutta is Calcutta and will never be London. As I shall never acquire the colour of Mr. Thompson in my life, so it is useless to talk what a County Council in London is doing. I thoroughly admit that Calcutta requires expansion and it may be necessary that the encroachment should be on the south and north because on the west there is a river and on the east there is a canal. But it will have to be taken into consideration whether the people of these areas are capable of bearing the burden for the development of Calcutta. In the Calcutta Corporation itself the representatives of these areas Mr. Unsudowlla, Babu Jatirindriya Nath Basu, and others have on innumerable occasions raised their voices against the inclusion of these areas. The case has been practically established, whether you agree or not. I thoroughly agree with Mr. Thompson when he charges the Government with negligence. This matter was brought before this House by Rai Harendra Nath Chaudhuri in 1923. Subsequently a Bill was passed and the Governor did not think it advisable to give his assent to it. But what the Government had been doing since? There was a case before them. A committee has now been proposed by the Hon'ble Minister, but why this was not thought of three or four years ago and what was the Government doing? That some relief is necessary is admitted by all, but the question is what the nature of that relief should be. This Bill proposes to have these areas separated. It may be, Sir, as the Hon'ble Minister has said, that a committee of experts may find a via media. I agree to that. I think the Government has done a great wrong in sitting over the whole thing. I have every sympathy with the measure that has been introduced, and as the mover has kindly included my name amongst the members of the Select Committee, I can assure the House that I will serve if the motion is carried. But what has been striking me for the last few moments is that here is a popular Minister who is

sympathetic and who feels that the people of the added areas have got their grievances and who is genuinely anxious to do something. The fact should not be forgotten that the Calcutta Corporation has not given its opinion and I thoroughly agree with my friend Mr. J. L. Bannerjee that the Calcutta Corporation will never send its opinion because it is busy with other important matters, domestic affairs—I need not mention what they are. But, Sir, any way whether they are willing to give their opinion or not, their opinion must be obtained; the Improvement Trust must be consulted; the Port Commissioners shall have to be consulted; and there are various other interests to be consulted. We must also look to the people themselves. There are other corporate bodies whose opinions must also be obtained. As the popular Minister, who has assumed charge of his office only recently, has very honestly made an appeal to the House to give him an opportunity to have the whole question examined by an expert committee, I think he has made out a good case for staying our hands just now. I want to make it perfectly clear that I am in sympathy with the Bill; but in view of the gesture that has been given by the new Minister I feel that we ought to give him an opportunity provided that he assures us that he will not acquire the usual Secretariat habit and sleep over the file, leaving everything to Mr. Gurner and others of his office. He must be up and doing; he must take the whole question immediately and see what can be done to redress the grievances either by legislation or by an amendment of some sections of the Calcutta Municipal Act—if that assurance comes I think we may wait. The Garden Reach came within the Corporation in 1924. We have waited for five years and I think we can surely give the Minister a chance and if he does not do anything and relapses into the Secretariat habit, we can go on with our own measure. From this point of view, I am inclined to appeal to my friend Maulvi Shamsuddin Ahmed to wait and give an opportunity to the Minister to do something. There is another view in this matter. I do not want to go into details. For the last few years for some reason or other we have not given the Ministers any chance for doing anything. We have given them absolutely no chance of doing constructive work. I, therefore, think that when the Hon'ble Kumar has undertaken to do something, we ought to give him a chance. The present Council has got rid of its past character—and we ought to see whether the promise made by the Hon'ble Minister is fulfilled and he really deserves the name of a popular representative. With these few words I would appeal to Maulvi Shamsuddin Ahmed not to press his motion.

Mr. G. W. GURNER: Sir, as it is little doubtful at the present stage whether the Hon'ble Minister will have the right of reply, he has asked me to rise to meet the points raised by Mr. Guha, and to

assure the House that it is his most genuine and earnest desire to appoint a committee and to pay personal attention to the working of that committee, about which Mr. Guha seems to be a little nervous. I may assure him that the committee will be immediately appointed and will proceed to work immediately. I should like, however, to take this opportunity of saying just a few words about the difference between an administrative committee and a Select Committee, about which there is a certain amount of confusion on the other side of the House. Mr. Jitendralal Bannerjee suggested that a Select Committee might by a wave of the hand sweep Chitpore-Cossipore or Garden Reach out of the Bill. That is a thing a Select Committee cannot do; and before you make an administratvie change like that, the whole question needs examining by an administrative committee, and that is what is proposed to be done.

4 p.m.

Similarly, with reference to the point raised by Mr. Thompson about the interpretation of section 7 and his criticism of the inaction of Government, I want to say that it seems that it is one of the first duties of Government to examine whether, by making its interpretation clearer, the complaints which at present exist can be overcome. I understand the special committee of the Calcutta Corporation when considering the question did in fact recommend, by way of meeting the complaints of Garden Reach, that the operation of section 7 should be extended for another 10 years or so. But this kind of material must come before an administrative committee before Government can be in a position to legislate. Whether that is necessary or some less controversial measure would meet the case, the question would be a matter for an administrative committee.

One other word, and that is about the Calcutta Corporation. It surprised me very much that almost every speaker belonging to the Calcutta Corporation, who had risen to discuss this Bill, should have said so little about the Calcutta Corporation's own point of view. But I have taken this into consideration, and it does seem to me reasonable to give them time to express their opinion, and we are in the difficult position of having to come to a decision on a question with which the Corporation are very vitally concerned without this. In the absence of the more energetic and eloquent members of the Corporation who were at one time members of this House, perhaps I may mention one or two points as regards the services rendered to Garden Reach by the Calcutta Corporation by way of replying to some of the speakers who have said that nothing has been done. There are two particular activities extended to Garden Reach by the Calcutta Corporation which Garden Reach has not acknowledged. One of these is education. The Garden Reach Municipality spent about Rs. 3,000 on this; this year the Calcutta Corporation propose to spend Rs. 22,000 on education

in Garden Reach. That is something worth having. There is still another service, that is the maternity service. That type of work was unknown in Garden Reach. Last year the Calcutta Corporation spent Rs. 12,000 on maternity work in Garden Reach. These are merely two instances of the effect of belonging to a larger body which does confer material benefit.

Mr. W. L. TRAVERS: Mr. Suhrawardy prefaced his speech with a somewhat unnecessarily critical remark about Mr. Thompson. He went on to describe the dreadful condition of affairs in the area about which the House is now debating. My recollection may be at fault, but I seem to remember that Mr. Suhrawardy was for a considerable period Deputy Mayor of the Calcutta Corporation, and I have no recollection whatever of any very drastic action taken by him, when in that office, to relieve the burden and anxiety of the people of Garden Reach.

Mr. P. N. GUHA: The Deputy Mayor has no administrative function.

Mr. W. L. TRAVERS: Next, Mr. Guha in his speech seemed to insinuate that the British group did not sympathise with the poor rate-payers in Cossipore and this area. I should like to correct that impression immediately; we sympathise and sympathise with them very much indeed. The whole question is one of a minority. How much, or how far is that minority to suffer because of the requirements of that great majority which lives in the great city adjoining? That seems to be really the crux of the whole position here to-day.

The only way out of the difficulty to my mind is a reduction of the rates, and a quick reduction at that. However, the Hon'ble Minister has promised an enquiry. Might I suggest to the Hon'ble Minister that, in addition to the appointment of this committee, he should guarantee and Government should guarantee to this Council that that enquiry and the proposals for a settlement of the difficulty should be placed before this Council within a definite time, say within 3 months. If that could be the case, we should like to reserve our judgment for that three months, and if at the end of the time the proposals do not seem to be adequate, we shall then revise our decision.

Maulvi ABDUL KARIM: Sir, reference of the Bill to a Select Committee does not mean passing the Bill. I think the Select Committee will take some time in considering the Bill and submitting their report. The Hon'ble Minister has said that he has hearty sympathy with what he calls the genuine grievances of Garden Reach. So if he will be pleased to take up the matter at once and appoint a

Committee, I think the matter may be amicably settled. If, by the time the Select Committee will consider the Bill, the Government proposals be forthcoming and if they be satisfactory, I believe the mover will be pleased to withdraw the Bill. If it were possible to postpone the consideration of the Bill for a short time in order to allow the Government to consider the matter through a committee and to come to a satisfactory settlement, I believe that would have been the best course. But I understand it is not possible under the rules to postpone the Bill and it will have to be withdrawn. I am afraid the mover cannot agree to withdraw it, because once the Bill is withdrawn, it will be very difficult to introduce it again. I think a similar proposal was brought forward some time ago, which showed that the grievances of the people of the added areas were admitted a long time ago, but unfortunately that proposal was subsequently dropped. We cannot agree to postpone the consideration of the Bill, as it is not possible under the rules. I, therefore, request the Hon'ble Minister to take up the matter immediately and to have it examined by a committee and to place those proposals before this House. I believe in this way the matter may be amicably settled.

Mr. D. J. COHEN: I move that the question be now put.

Mr. PRESIDENT: I understand there are many members who are anxious to speak on this motion; it seems to be an important matter.

[At 4-15 p.m. the Council was adjourned for prayer and it reassembled at 4-25 p.m.]

Mr. P. N. CUHA: On a point of order, Sir. Before the debate proceeds further, Sir, I should like to have your ruling on one point. Supposing Maulvi Shamsuddin Ahmed, the mover of the motion does not press his motion for a Select Committee, thereby giving an opportunity to Government to appoint its own committee which the Hon'ble Minister has promised, what will be the fate of the Bill; will it be killed?

Mr. PRESIDENT: It is not a question of pressing or not pressing the motion. The mover of any motion for the matter of that, has the right to withdraw his motion, provided he has the leave of the House to do so. In this case, by withdrawing the motion referred to, with the permission of the House, he will not be killing the Bill outright.

Maulvi SYED MAJID BAKSH: After carefully listening to the debate relating to this Bill, I find that there is hardly any difference between the view-point raised by the hon'ble mover of the Bill and the view-point raised by the Government. Maulvi Shamsuddin Ahmed

wants a committee. The Hon'ble Minister has also told us that he is in favour of a committee. I think a little imagination on the part of the Hon'ble Minister will clarify the position. The Hon'ble Minister will be the President of the committee proposed by the mover of the motion. There he will be able to guide the committee in the right channel. Then I cannot understand why the Hon'ble Minister is so much in favour of a committee of his own as distinguished from the committee proposed by my friend Maulvi Shamsuddin Ahmed. I do not think for a moment that it is a question of prestige with the Hon'ble Minister, because in his former days he was a champion of the popular cause. If there is any such feeling with him, I think we may bear with him, because we have seen him in his better days. I request the Hon'ble Minister that he will climb down a little. In the committee itself he can dispute any point that may be objected to. All that we are concerned with is that the Bill should receive the consideration of a selected few so that after reviewing the situation they might come to a definite conclusion as to what should be placed before this House.

4-30 p.m.

I, therefore, think that the motion which the hon'ble member has brought before the House is a modest and legitimate one. We have heard how the people of Garden Reach are suffering by paying a tax of 300 per cent. more than they used to do before and getting nothing in return. In reply we are told that much capital is sunk into the cesspools of Garden Reach. I heard one speaker say that Garden Reach has the worst cesspools in the world, or something to that effect. Much capital, we are told, has been sunk in Garden Reach and, therefore, in the interests of those who have done so it cannot be separated from the larger body of the Calcutta Corporation. It is a strange piece of logic I have ever heard. If Garden Reach cannot be improved the fault lies with the Corporation. Sir, it generally happens that when a particular locality or body of persons cannot pull on well with the parent body they are separated and are allowed to manage their own affairs and they generally prosper and progress as a matter of course. If Garden Reach wants to be separated from the parent body of the Calcutta Corporation what earthly reason can there be to stand in their way. If the people of Garden Reach do not want it why thrust it down their throats. Let them have local self-government and let them decide for themselves what form of local self-government they want and what amount of taxation they want to pay, according to their capacity and the needs of the case. Why tack them behind the Calcutta Corporation which is an immense body? Those who are in favour of Garden Reach being kept with the Calcutta Corporation seem to forget that Garden Reach does not enjoy such amenities of life as the Calcutta people enjoy. I think that the members of the Corporation

themselves would not like it to be kept on if the case comes before them. Local self-government Garden Reach must have but local self-government not in the way in which the Hon'ble Minister suggests but in the way the people themselves want. I think that is the accepted principle of local self-government. You cannot force things down our throats at the point of the bayonet and pass them on to our unwilling shoulders. It is taking away the very benefits which the local self-government is calculated to bestow. I think no case has been made out in favour of the proposal of the Hon'ble Minister. No argument is required on my part to impress upon the House that after all is said and done the people of Garden Reach must be left to themselves in this matter and I support the mover for referring this Bill to the Select Committee.

Babu SANAT KUMAR RAY CHAUDHURI: I should like to speak on this motion as other members of the Corporation have spoken on it. The main question raised is this. Whether certain areas in Garden Reach and certain areas in Cossipore-Chitpore ought to be kept within the Calcutta Corporation. I do not agree with Mr. Gurner that the matter is one for an administrative committee and not for a Select Committee. The motion is for the whole Bill to be referred to a Select Committee which will consider as to which portion should be excluded from the operation of the Bill and which portion should be included. This is one of the primary functions of a Select Committee and, Sir, speaking as a member of the Calcutta Corporation I can say this much that there are certain areas in Garden Reach which are really not fit for inclusion within the Calcutta Municipality because the Calcutta Municipality would not be able to do much for them within the next 20 years.

Maulvi SHAMSUDDIN AHMED: As has already been said the Bill which I brought before the House is practically the very same which was introduced in 1925. It was first brought forward by Rai Harendranath Choudhury, but it was not moved. It was again brought forward by Dr. Suhrawardy when it was passed but unfortunately the then Governor, Sir Hugh Stephenson, did not give his assent to it and so the Bill could not be passed into an Act. In 1927, Rai Harendranath Choudhury again brought forward this Bill., Unfortunately, owing to the dissolution of the Council it lapsed. This time I have the honour to bring this Bill before the House. The Hon'ble Minister has said that Government is not going to shirk its responsibility. May I know, Sir, could not the Government for the last 5 or 6 years when the Bill was hanging fire before this Council, take it into consideration and introduce either a Select Committee or an administrative committee? What precluded Government from doing so? Now that the Bill is before the House and a motion for its reference to a Select Committee moved I do not understand what reason

has led forward the Hon'ble Minister to say that the Bill should be referred not to a Select Committee but to an administrative committee. I do not want to impute any sort of motive to any one but I know this is one of the ways in which things are shelved. As my hon'ble friend Babu Jitendralal Bannerjee has said those who have visited Garden Reach and seen things for themselves could not but be impressed with the real position of affairs. I quite agree with my hon'ble friend when he says that we will be quite willing to agree to the Select Committee leaving out the Cossipore-Chitpore area from the operation of the Bill and even some portion of Garden Reach. I, of course, know the grievances of the people of Garden Reach. I know that even some members of the House had gone to see the area—many of whom I am sorry to say have since resigned—and I know that several of them said that they could never believe, seeing things for themselves, that within the Corporation of Calcutta such stagnant pools and *dobas* could exist. Instances have been cited about London. Mr. Thompson said that Calcutta wants to grow bigger. Calcutta may grow bigger, but I know, Sir, and probably I am right when I say that in London there are altogether about 17 or 18 municipalities with different administrative functions. I do not understand what harm there would be if Garden Reach is separated from the Calcutta Municipality. I cannot appreciate the standpoint of Government in this matter. At first when the Bill was brought before the House, Garden Reach and Cossipore-Chitpore were not included in it and as has been pointed out by my hon'ble friend Babu Jitendralal Bannerjee they were included in it by a fluke. There was a mistake in voting which was pointed out to the President but it was too late and nothing could be done. Sir, I shall give a few instances by way of illustration which will show really the state of affairs. When Garden Reach was a separate municipality it had an income of about Rs. 2 lakhs. It is now included in the Calcutta Municipality and it contributes Rs. 6 lakhs. In exchange what are the amenities that have been given to Garden Reach. Save and except one main road which has been asphalted, with a few electric lights here and there, nothing has been done. I have visited the different parts of Garden Reach and I had seen with my own eyes numbers of stagnant pools and *dobas* lying within the municipality. Before I had seen them I had no idea that so near Calcutta such things exist.

4-45 p.m.

I come from a village. Sir, I do not think that any village in Bengal would consist of so many *dobas* at a particular place. Even recently when the Calcutta Corporation took into consideration this Bill, so far as my information goes, a sub-committee was appointed. In that sub-committee some of the members were in favour of excluding the rural portion of Garden Reach, but unfortunately, Sir, the

majority of the members were against the proposal, and it was practically shelved. Up till now we have not any decision of the Corporation before us. I do not see what is the objection of the Hon'ble Minister in allowing this Bill to go to a Select Committee. The Select Committee can take into consideration every aspect of the thing and if the Hon'ble Minister really thinks that Government want to take everything into consideration, I do not understand why Government are precluded from doing that by the reference of the Bill to a Select Committee. Sir, I do not want to take the time of this House. I would only finish by saying that if you really want to remove the legitimate grievances that exist in Garden Reach, if you really want that people who are groaning under a burden of taxation should be protected, then something should be done in this direction. You will be surprised to hear, Sir, that previously the people of Garden Reach had to pay a tax of 7½ per cent. in undeveloped areas. Now under the rules of the Calcutta Corporation the whole population, without exception, have to pay taxes at the rate of 19½ per cent. I can imagine, Sir, that if this state of things is allowed to go on, the people of Garden Reach would leave their homes and take shelter in the Sunderbans and some mills and factories might take their place thereby showing that Calcutta has extended towards the suburbs. I hope that the members of this House without a single exception—and I hope the European members right opposite also—would seriously take into consideration the state of affairs of the people of Garden Reach and would vote with us in supporting this motion for referring the Bill to a Select Committee and thereby redressing the grievances of the people. With these words I beg to commend my motion for the acceptance of this House.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Sir, the debate has hardly brought up any new argument which requires any reference by me at this stage. Sir, I have already given my honest opinion that it would be beyond the scope of the Select Committee to consider the problem in all its aspects. Sir, if you refer the Bill to a Select Committee, I can only pray for the residents of these added areas to save them from their friends. It will only prolong their sufferings, for the Bill, modelled as it is, could not possibly be amended in a way to do justice to all concerned. Sir, I was as sincere as possible—I am quite new to the office and I have brought all my sincerity from the non-official benches—I was as sincere as possible when I made the offer on behalf of Government and I did mean to arrive at a satisfactory solution of the problem. I would still appeal to the House to make the way of the Government clear to appoint a competent committee to go into the whole question and to suggest the best means of dealing with it. Sir, I repeat it again that the Government are prepared to appoint such a committee as soon as the

budgets are over, say by the end of March, and I hope that committee will finish its labours in time to enable me to bring up an official Bill in the autumn session of this Council.

The motion of Maulvi Shamsuddin Ahmed was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Atimuszaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Ashrafuddin.
Choudhury, Maulvi Nural Absar.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Eusufji, Maulvi Nur Rahmar Khan.
Fazlullah, Maulvi Muhammad.
Guha, Babu Profulla Kumar.
Hahim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hossain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Fazlul.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lal Muhammad, Haji.
Mallik, Mr. Mukunda Behari.
Poddar, Seth Hanuman Prasad.
Rahoem, Mr. A.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Raikat, Mr. Prasanna Deb.
Ray Chaudhuri, Babu Sarat Kumar.
Ray, Chowdhury, Babu Satish Chandra.
Rout, Babu Hemen.
Roy, Babu Satyendra Nath.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Roy, Mr. Kijoy Prasad Singh.
Roy, Mr. Satiseswar Singh.
Roy, Mr. Sarat Kumar.
Ray, Mr. Shanti Shekhareswar.
Ray Choudhuri, Babu Hem Chandra.
Saadatullah, Maulvi Muhammad.
Samad, Maulvi Abdus.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Kebali Mohan.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Suhrawardy, Mr. H. S.

NOES.

Basiruddin, Maulvi Mohammed.
Cassells, Mr. A.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. C.
Dain, Mr. H. H.
Dash, Mr. A. J.
Easton, Mr. C. A.
Faroqui, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Sahib Sushi Kumar.
Ghosh, Mr. M. C.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Mr. P. N.
Garner, Mr. G. W.
Hogg, Mr. G. P.
Hutchings, Mr. R. H.
Imam, Mr. J.
Laird, Mr. R. D.
Leslie, Mr. M.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. H.
Mukharji, Rai Bahadur Satish Chandra.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Ordish, Mr. J. E.
Prentice, Mr. W. D. R.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Rees, Mr. G. F.
Rushforth, Mr. F. V.
Skinner, Mr. S. A.
Stapleton, Mr. H. E.
Tate, Major General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 54 and the Noes 40 the following motion was carried:—

"That the Calcutta Municipal (Amendment) Bill, 1929, be referred to a Select Committee consisting of Maulvi Shamsuddin Ahmed, the

Hon'ble Minister in charge of the Local Self-Government Department, Babu Jitendralal Bannerjee, Mr. P. Banerji, Mr. A. K. Fazl-ul Huq, Mr. H. S. Suhrawardy, Khan Bahadur Maulvi Alimuzzaman Chaudhuri, Maulvi Syed Jnlaluddin Hashemy, Maulvi Ashrafuddin Chaudhuri, Mr. W. C. Wordsworth, Rev. B. A. Nag, Mr. P. N. Guha, Mr. A. Raheem, C.I.E., and Mr. Bijoy Prasad Singh Roy; with instructions to submit their report before the commencement of March and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

The Bengal Village Self-Government (Amendment) Bill, 1930.

5 p.m.

Babu SANAT KUMAR RAY CHAUDHURI: I beg to move for leave to introduce a Bill to amend the Bengal Village Self-Government Act, 1919.

There being no objection to the Bill being introduced, the Secretary read the short title of the Bill.

Babu SANAT KUMAR RAY CHAUDHURI: I beg to move that the Bengal Village Self-Government (Amendment) Bill, 1930, be circulated for the purpose of eliciting public opinion thereon by the 15th April, 1930.

The motion was put and agreed to.

RESOLUTIONS

(on matters of general public interest).

Proposal to make 1st Baisakh a holiday.

Babu SANAT KUMAR RAY CHAUDHURI: I beg to move that this Council recommends to the Government that the 1st Baisakh of each Bengali year be observed as a holiday in all Government offices and courts in the province of Bengal.

Sir, my reasons for moving this resolution are these: The 1st of Baisakh of each Bengali year is not merely a day as it might appear to the European members, it is more than a day—it is an institution in itself; and as such it deserves to be commemorated. Very lately we have had a public holiday practically thrust on us by Government in the shape of the 1st July being declared a Bank closing holiday. We

had not that holiday before and whatever questions of economy or otherwise may arise we find that the province is given a holiday on the 1st of July. Very few in the province have anything to do with the banks and most of the people have got dealings with petty traders whose number must be a thousand times more than that of the people dealing with banks in Calcutta. The 1st of Baisakh happens to be the date on which the accounts are closed and fresh accounts are opened every year. That is one of the reasons why I want that the 1st Baisakh should be observed as a public holiday. Then, Sir, the 1st of Baisakh is already observed as a public holiday in the province of Assam and also in some districts in this province of Bengal. I only want that it should be made a general holiday, and it will not depend upon the option of the Government officials, District Magistrates or District Judges. The Hon'ble Member in charge, Mr. Marr, very kindly pointed out to me that he would be agreeable to have opinions elicited upon this resolution of mine, provided I withdrew it at the moment. I could not give him a direct answer. From the conversation I had with him I find that if the 1st of Baisakh be declared a holiday we must do it at the expense of some other holiday which the district enjoys. If that be so, I am not prepared to withdraw the resolution, because I want it to be declared a public holiday in Bengal. It ought not to depend on the option of the officer in charge of a particular district. If it is to be done at the expense of another holiday, I submit, it should be at the expense of the 1st of July, because a majority of the people of the province have got nothing to do with the 1st July. There is, however, another point which has got to be considered. The Bengali year is not a Hindu year but a Muhammadan year. The method of computation is Hindu according to which we have got 365 days. So it is a practical compromise which we have got in Bengal, between Hindus and Muhammadans. As I have already said, certain festivities are held on that day and accounts are closed and fresh ones are opened and there will be no objection on the part of either Hindus or Muhammadans to this day being observed as a holiday. I do not think, Sir, that the House will divide on my resolution and I hope it will support it unanimously. With these words, I commend it to the acceptance of the House.

The Hon'ble Mr. A. MARR: Mr. President, I think I might as well state the Government position straight away so as to clear up all the issues raised. The resolution is to the effect that the 1st of Baisakh shall be declared a holiday in all districts. At present the Bengali New Year's Day is observed as a local holiday in Dacca, Faridpur, Bakarganj, Chittagong, Tippera, Noakhali, Jessore and Mymensingh. There has been no demand from any other districts for this date to be declared as a local holiday, but, as I have already intimated to the hon'ble mover, I am quite prepared, if he withdraws his resolution,

to consult the High Court—and the High Court must be consulted—and all the district officers in Bengal as to whether there is a general desire for this date to be declared a local holiday. If there is a general desire, I do not think Government will have any objection to add this to the local holidays. There is, however, one exception that I must make to this statement. There is a rule that no district can have more than seven local holidays. Seven districts have already got the maximum number of seven days; these are Burdwan, Birbhum, Hooghly, Howrah, Murshidabad, Darjeeling and the Chittagong Hill Tracts. If Government come to the decision to declare the 1st of Baisakh a local holiday, and if any of these particular districts wants the 1st of Baisakh to be a holiday, they shall have to give up another holiday so as not to exceed the total number of seven days. If there is a general desire to have this day declared as a public holiday, apart from the seven districts I have mentioned, there will be no difficulty at all in carrying out this desire. I would, therefore, suggest to the mover to withdraw his resolution on the understanding that Government address the High Court and the district officers to ascertain what the local desire is.

Mr. P. N. CUHA: May I ask the Hon'ble Member what the position of the Bengal Secretariat is? Does it come within any district?

The Hon'ble Mr. A. MARR: The Bengal Secretariat would certainly follow the general rule.

Maulvi SYED MAJID BAKSH: Sir, I yield to none in the desire for the observance of the 1st of Baisakh as a holiday in Bengal. I am a Bengali myself and I have personal experience of the festivities that are held on that day. I have some misgivings after hearing the Hon'ble Member in charge. I think the mover of the resolution suggested something about which there was a general discussion and some criticisms were made by members. I at that expressed a fear that as the holiday was not specifically mentioned, it was not known what sort of holiday it would be. Government wanted to take it as a local holiday and declared its intention of observing it as such rather than as a public holiday. If it is to be a public holiday, I have not the least objection, nor have I any objection if it is made a local holiday. But the difficulty will be this. We have experience in districts of some difficulty. Mr. Marr has said that Jessore observes a local holiday on the 1st of Baisakh. Coming from Jessore I would like to say that in my district the number of holidays are so very few—I make no suggestions nor do I want to speak against Hindu friends—that the most important Muhammadan holiday of Sabibarat is not observed, although it is observed as a holiday in many districts. The residents of Calcutta know what festivities are held.....

The Hon'ble Mr. A. MARR: May I rise on a point of order? Sir, I understand that the subject under discussion is simply whether there is a general desire for the 1st of Baisakh to be declared a public holiday or not. Therefore I do not understand how certain Muhammadan holidays come in.

Maulvi SYED MAJID BAKSH: If the Hon'ble Member had waited a few moments he would have understood my point.

Mr. PRESIDENT: What is your point, Maulvi Saheb?

Maulvi SYED MAJID BAKSH: I have not yet explained my points to which the Hon'ble Mr. Marr has taken exception.

Mr. PRESIDENT: To what portion of the speech does the Hon'ble Member in charge take exception?

The Hon'ble Mr. A. MARR: The question, as I understand it, is whether there is a general desire to have the 1st of Baisakh declared as a holiday. The speaker went into the general question of the number of Muhammadan holidays in Jessore and in particular to the question of a certain Muhammadan festival.

Mr. PRESIDENT: What do you say to this, Maulvi Saheb?

Maulvi SYED MAJID BAKSH: Sir, what I was going to say is that I have no objection to the 1st Baisakh being declared to be a public holiday and incidentally I mentioned the difficulty which would arise if it is declared a local holiday. There are very few local holidays in the district of Jessore and if one is taken away very few will remain. When I extend my support to the suggestion of declaring it to be a local holiday I want to impress upon the House that it can not be done at the expense of any of the Muhammadan holidays such as Shabibarat which is a local holiday in Jessore. That was my point.

Mr. PRESIDENT: Yes, I quite understand your point—you may go on.

Maulvi SYED MAJID BAKSH: So, if you assure us that no such thing will occur we, on this side of the House, are willing to co-operate and allow my hon'ble friend the mover to have 1st Baisakh declared as a holiday.

Babu JITENDRALAL BANNERJEE: Sir, My hon'ble friend Maulvi Syed Majid Baksh has struck a note of high politics which was not necessary to-day. The Hon'ble Mr. Marr desired to know whether there is a general desire for the declaration of 1st Baisakh as a holiday. Sir, there is a very general desire—a desire characteristic

of our temperament and traditions—that there should be a general holiday on that date. We should like to have a holiday on every day of the year provided our salaries or allowances are intact. The Europeans are a strenuous people and they object to the number of holidays, and Government being predominently European necessarily also objects but in the Council we have another kind of temperament. We have two adjournments in the course of a brief afternoon sitting—one prompted by motives of piety and the other prompted by mundane refreshments. If there can be two adjournments in a brief afternoon sitting why there should not be two new year holidays in the year? The Europeans have their New Year's Day, and what objection is there for celebrating our New Year's Day?

Babu SANAT KUMAR RAY CHAUDHURI: Having regard to the remarks made by the Hon'ble Mr. Marr I do not desire to press my resolution to the vote. I accept his assurance that he will take the opinion of the High Court as soon as possible and let us know the result.

The motion of Babu Sanat Kumar Ray Chaudhuri was then, by leave of the Council, withdrawn.

Proposal to amend the Bengal Tenancy Act, 1885.

Babu JITENDRALAL BANNERJEE: The resolution not having been drafted properly I would like to read the whole of it. It runs as follows:—

"This Council recommends to the Government that immediate steps be taken by them to introduce fresh legislation to amend the Bengal Tenancy Act, 1885 (VIII of 1885) in order to secure the following objects:—

(*1*) to abolish the right of pre-emption granted to the immediate landlord under section 26F of the Act;

(*2*) to reduce the amount of landlord's transfer fee from 20 per cent. to 2 per cent. in the cases referred to in clauses (*a*), (*b*) and (*d*) of section 26D, from 5 per cent. to ½ per cent. in the cases mentioned in clause (*c*), and from 10 per cent. to 1 per cent. in the case referred to in clause (*e*);

(*3*) to provide that landlords shall not exercise the right to enhance rent of land under section 30 of the Act so long as their own revenue remains fixed under the Permanent Settlement; and

(*4*) to make such changes in drafting and procedure as experience of the working of the Act has proved to be necessary."

Sir, I would ask your permission to make a slight verbal amendment on the floor of the House. I should like to insert the words "one year's rent" after the words "20 per cent. to 2 per cent."

Mr. PRESIDENT: I would ask you to stand by your original resolution. I do not allow this amendment as you have not given previous notice.

Babu JITENDRALAL BANNERJEE: Be it so, Sir. I make no apology—there is no need for one for bringing forward this resolution so far as the first two clauses are concerned. They are concerned with the question of the landlord's right of pre-emption and the landlords' right of receiving salami on the occasion of a sale or purchase. Sir, when the amending Bill was thrashed out in this House there was a general apprehension on the part of tenants' representatives that these two rights would give rise to confusion. Sir, one year's working of the Act has already demonstrated how they have proved injurious to the tenants' cause.

I wish first of all to refer to the general arguments upon which I base my objection to the landlords' rights of pre-emption or of receiving salamis. These rights were given to them on the assumption that the landlord is the proprietor of the soil. That is a fallacy which has got to be repudiated and shattered once for all. The landlord was never considered the proprietor of the soil either in Hindu or Muhammadan times. That was not the Indian tradition at all. The landlord was first recognised as the proprietor during the time of the Permanent Settlement. That was only a mistake on the part of the English administration. Brought up within the system of land tenure the English administrators thought that the landlord ought to be, if he was not already, the proprietor of the soil. Therefore, they proceeded to confer the proprietary right upon landlords as such. But that right was not theirs to give nor theirs to take away. It depended upon immemorial custom, and the immemorial custom being on the side of the tenant, the English administrators had no right either to confer upon the landlord the proprietary right which did not belong to him or to deprive the tenant of the right which had always belonged to him.

Nor is this all. After the Permanent Settlement the awakening came. Since then the English administration have made persistent attempts to undo the wrong they had done. But they have never been logical or systematic in their attempts. The various Tenancy Acts are an indirect admission of the fact that the Permanent Settlement was based upon wrong conception. The Act of 1885, and previous to that the Act of 1859 were proceeded with under the assumption that the landlord is or ought to be regarded as the proprietor of the soil.

Coming to the last amending Bill there is also there a recognition of the proprietary rights of the landlord. But I say now that the last vestige of this superstition must go. If the landlord is not the proprietor of the soil why should he be entitled to claim pre-emption as a right? Also if the landlord is not a proprietor why should he be entitled to receive any salami, not to speak of the salami of 20 per cent.? But I simply say—reduce the salami from 20 per cent. to 2 per cent. I do not go very far. In making this claim—this very modest claim—I acknowledge that this is an admission of weakness on my part. I ought to have proposed no salami at all. But as I said this is a condition of weakness which is sometimes bound..... ..... Apart from the general ground of principle.....

Mr. PRESIDENT: You are leaving your previous sentence unfinished Mr. Bannerjee.

Babu JITENDRALAL BANNERJEE: We cannot always complete our sentences, Sir. Speaking in a foreign tongue I claim my privilege of leaving my sentences incomplete and grammar inaccurate.

Mr. PRESIDENT: But I claim it to be the duty of the Chair to warn you lest it may be thought that you were giving up your case.

Babu JITENDRALAL BANNERJEE: It is very good of you, Sir, but you cannot cure me of that. With the best of intentions I think I am too old to be cured. If this lesson was brought home to me 20 years ago I would have profited by it.

Mr. PRESIDENT: If you are incurable I need not try to cure you you may come back to your resolution.

Babu JITENDRALAL BANNERJEE: Sir, I am thinking of the other ground apart from the ground of general principle—the ground of expediency. Sir, by granting the right of pre-emption and insisting on the payment of salami, the Bengal Tenancy Act has defeated its own purpose. One of the purposes of the Bengal Tenancy Act amending Bill was to make the occupancy holding transferable. Formerly they were transferred in point of fact but in theory they were not so transferred. That theoretical non-transfer has now been removed and now occupancy holdings are regarded as transferable. What was the reason? The reason for the change was that the legislature wanted that the tenant should get full value. If he sold or purchased let him get the full value. That was the idea. So long as the holdings were theoretically non-transferable the tenant did not get his due. Therefore, it will be seen that it was meant as a measure of necessary relief so far as the tenants are concerned but as that necessary relief

has been granted how does the tenant enjoy it? At present owing to the combined operations of the right of pre-emption and the grant of salami the tenants are getting even less than they were getting before. First of all 20 per cent. is to be deducted out of the purchase price. The intending purchaser has the right of pre-emption hanging over his head. He knows that the land can be taken away from him. On account of all these the people are unwilling to pay full value. Owing to the combined operations, therefore, of both these principles the tenant is getting far less now than what he was getting before. Thus one of the principal objects of the amending Bill has been frustrated—frustrated by one of its main provisions.

Adjournment.

The Council was then adjourned till 2-30 p.m., Monday, the 10th February, 1930, at the Town Hall, Calcutta.

of the Bengal Legislative Council under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 10th February, 1930, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 77 nominated and elected members.

Oath or affirmation.

The following member made an oath or affirmation of his allegiance to the Crown:—

Babu Satya Kinkar Sahana.

Starred Questions

(to which oral answers were given.)

Cess revaluation.

*38. **Maulvi SHAMSUDDIN AHMED:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the names of different districts in Bengal where cess revaluation has taken place recently;

(*ii*) the incomes derived from cess in these districts before and after this cess revaluation; and

(*iii*) the difference, if any, in percentage between the previous and the recent cess revaluations?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): The required statement is laid on the table.

Statement referred to in the reply to starred question No. 38.

Name of district.	Cess demand at the last re-valuation.	Year of revaluation.	Previous cess demand.	Year of revaluation.	Increase.	Percentage.
1	2	3	4	5	6	7
	Rs.		Rs.		Rs.	
1. Bankura ..	*2,33,924	1922-26	1,09,566	1904-07	1,24,358	113·5
2. Midnapore ..	*5,77,017	1917-23	3,33,615	1910-11	2,43,402	72·9
3. Hooghly and Howrah .	3,21,820	1923-28	2,28,675	1913-16	93,145	41
4. Nadia ..	*3,58,230	1924-27	1,95,743	1911-15	1,62,487	83
5. Jessore .	*4,73,610	1924-27	2,35,372	1911-14	2,38,238	105
6. Mymensingh	6,94,645	1918-22	5,06,806	1909-10	1,87,839	37
7. Tippera ..	3,27,262	1922-25	2,95,903	1911-14	32,359	11
8. Noakhali ..	2,44,730	1926-29	1,97,805	1914-19	46,925	23·72
9. Dinajpur .	3,08,470	1920-22	2,41,305	1912-14	67,165	27
10. Rangpur ..	5,24,305	1924-27	4,01,626	1901-04	1,22,679	30
11. Malda ..	1,57,794	1925-26	1,06,300	1910-12	51,494	48·4

* After settlement.

Promotion of Muhammadan Police officers.

***39. Maulvi HASSAN ALI:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the last three years—

(*i*) the proportion of Hindu and Muhammadan officiating sub-inspectors and inspectors in Bengal and Government Railway Police; and

(*ii*) the number of the promoted officers to those ranks?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing the number of Muhammadans promoted from the ranks of assistant sub-inspector and sub-inspector to those of sub-inspector and inspector respectively in Dinajpur for the last 10 years and other districts of Bengal for the last three years?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. M. Moberly): (*a*) and (*b*) Two statements are laid on the table. Statement B does not give the desired information in respect of inspectors as, in the matter of promotion, sub-inspectors are borne on a provincial list.

Statement A referred to in the reply to starred question No. 39.

	1927		1928		1929	
	Hindu.	Muhammadan.	Hindu.	Muhammadan.	Hindu	Muhammadan.
Question (a) (i).	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.
(1) Proportion of Hindu and Muhammadan officiating sub-inspectors and inspectors in the district police						
Proportion of officiating sub-inspectors ..	76·1	23·9	76·3	23·7	75·4	24·6
Proportion of officiating inspectors ..	74·3	25·7	73	27	71	29
(2) Proportion of Hindu and Muhammadan officiating sub-inspectors and inspectors in the Government Railway Police –						
Proportion of officiating sub-inspectors ..	87·5	12·5	72·2	27·8	69·6	30·4
Proportion of officiating inspectors ..	75	25	57	43	50	50

	1927.		1928.		1929.	
	Hindu.	Muhammadan.	Hindu.	Muhammadan.	Hindu.	Muhammadan.
Question (a) (ii).						
Number of assistant sub-inspectors promoted to the rank of sub-inspectors ..	26	4	25	5	24	9
Number of sub-inspectors promoted to the rank of inspectors	17	5	29	7	16	6

Statement B referred to in the reply to starred question No. 39.

I. Number of Muhammadan sub-inspectors promoted to the rank of inspector in Bengal during the last 10 years:—

1920	...	Nil	1925	...	5
1921	...	Nil	1926	...	5
1922	...	Nil	1927	...	5
1923	...	Nil	1928	...	7
1924	...	3	1929	...	6

II. Number of Muhammadan assistant sub-inspectors promoted to the rank of sub-inspector in the district of Dinajpur during the last 10 years:—

1920 1921 1922 1923 1924	Nil.	1925 1926 1927 1928 1929	Nil.

III. Number of Muhammadan assistant sub-inspectors promoted to the rank of sub-inspector in districts other than Dinajpur during the last 3 years:—

1927	...	4
1928	...	5
1929	...	9

Maulvi ABDUL KARIM: Will the Hon'ble Member be pleased to state if it is proposed to take any steps to remove the disparity that exists amongst officers belonging to the Muhammadan community?

The Hon'ble Mr. A. N. MOBERLY: The matter is always being borne in mind and it is regulated by certain rules which are scrupulously adhered to.

Liquor and drug shops in Calcutta and its suburbs and their ...

*40. **Maulvi SYED JALALUDDIN HASHEMY:** Will the Hon'ble Minister in charge of the Agriculture and Industries (Excise) Department be pleased to lay on the table a statement showing—

(*i*) the present number of liquor and drug shops (excluding tari shops) in Calcutta and its suburbs; and

(*ii*) the names of the vendors holding license for the current year?

MINISTER in charge of AGRICULTURE AND INDUSTRIES (EXCISE) DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*i*) and (*ii*) Statements have been placed on the library table.

Bandabilla Union Board.

***41. Maulvi SHAMSUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the election of members to the newly-formed Bandabilla Union Board had failed twice?

(*b*) Is it a fact that the board was subsequently formed by nominating members by the Magistrate?

(*c*) What is the reason for the constitution of the union board against the will of the people of Bandabilla?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*) Yes.

(*b*) Yes.

(*c*) The failure of the elections is ascribed to party feelings in the union which led to deterring the villagers from voting, and action was taken by the District Magistrate under section 6 (*4*) of the Village Self-Government Act.

Maulvi SHAMSUDDIN AHMAD: Under the Village Self-Government Act————

Mr. PRESIDENT: What is your question? Put it in the form of a question, please.

Maulvi SHAMSUDDIN AHMED: Why was the union board thrust upon the people of Bandabilla against their wishes? The Village Self-Government Act does not make any provision in this direction.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: It was not thrust upon the people of Bandabilla.

Sessions Court business at Bogra.

***42. Khan Bahadur Maulvi HAFIZUR RAHMAN CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state how many Sessions cases tabled for one session had to stand over for the next session for want of time of the Sessions Court at Bogra from January, 1929, to January, 1930?

(*b*) Will the Hon'ble Member be pleased to state the longest period of time during which undertrial prisoners had to remain in jail before taking their trial at the Sessions Court at Bogra during the year 1929?

(c) Is the Hon'ble Member aware that there being no permanent Sessions Judge at Bogra a large number of undertrial prisoners remain in jail for several months together before their trial commences?

(d) Is the Hon'ble Member aware—

(i) that there is no arrangement for receiving and disposing of bail petitions at Bogra in criminal appeals and motions falling within the jurisdiction of the Sessions Judge; and

(ii) that a large number of accused persons had to remain in jail for days together before they can move the Sessions Court at Pabna?

(e) Will the Hon'ble Member be pleased to lay on the table a statement showing for the year 1929—

(i) how many—

(1) criminal appeals,

(2) motions, and

(3) bail petitions

from the district of Bogra were filed before the Sessions Judge at Pabna; and

(ii) how many of them were disposed of?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (a) Sessions were held at Bogra in February, May, August and November, 1929:—

1929—February 16; May 12; August 15; November 15.

1930—Twelve cases were pending on 25th January, 1930. Sessions were still in progress.

(b) Two hundred and forty-seven days inclusive of Dusserah vacation.

(c) As four Sessions are generally held at Bogra some undertrial prisoners remain in jail for some time before their trial commences.

(d) (i) Yes.

(ii) No; the journey from Bogra to Pabna, the headquarters of the Sessions Judge, occupies about 10 hours by rail and motor, and if a bail application is promptly moved no accused will remain in jail for more than 3 days.

(e) (i) (1) 88; (2) 40; (3) 45.

(ii) 78 criminal appeals; 37 criminal motions; 45 bail petitions.

Sessions cases at Bogra.

*43. **Khan Bahadur Maulvi HAFIZUR RAHMAN CHAUDHURI:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing from January, 1929, to January, 1930, both inclusive—

(*i*) the number of cases committed to the Sessions Court at Bogra;

(*ii*) the number of such cases disposed of during the said period;

(*iii*) the number of working days during the said period; and

(*iv*) the number of days spent by the—

(*1*) Sessions Judge; and

(*2*) Additional Sessions Judge

at Bogra?

The Hon'ble Mr. A. N. MOBERLY: A statement is laid on the table containing figures from the 1st January, 1929, to the 25th January, 1930.

Statement referred to in the reply to starred question No. 43.

Number of cases committed to the Sessions Court at Bogra	...	40
Number of Sessions cases disposed of during the said period	...	31
Number of working days during the said period	...	165
Number of days spent at Bogra by the—		
Sessions Judge of Pabna and Bogra	...	56
Additional Sessions Judge of Pabna and Bogra	...	47
Additional Sessions Judge of Bogra	...	62

Receipts from the sale of stamps.

*44. **Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to lay on the table a statement showing the receipts from the sale of stamps during—

(*i*) the last two quarters of the current financial year; and

(*ii*) the corresponding quarters of the previous year?

(*b*) If there is a fall of revenue under this head, will the Hon'ble Member be pleased to state the reason therefor?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) The figures available are those for the first 8 months and are as follows:—

	1928-29.	1929-30.
	Rs.	Rs.
Sale of general stamps ...	70,93,000	58,83,000
Sale of court-fee stamps ...	1,51,63,000	2,18,70,000

The last figure includes an abnormal receipt of Rs. 52,08,000 from probate duty.

(*b*) The fall under general stamps is attributed largely to a decline in the number of transactions relating to property as a result of the amended Bengal Tenancy Act and also to dull conditions of trade.

Maulvi TAMIZUDDIN KHAN: With reference to answer (*b*), will the Hon'ble Member be pleased to state whether the fall is due to the operation of the provisions of the Bengal Tenancy (Amendment) Act regarding pre-emption and landlords' fee?

The Hon'ble Mr. A. MARR: It may be partly due to this as I learn from the Hon'ble Revenue Member, but also partly due to many transactions having been completed before the 1st of April.

Babu SATISH CHANDRA RAY CHOWDHURY: What proportion was due to the operation of the Bengal Tenancy (Amendment) Act, and what to dullness of trade?

The Hon'ble Mr. A. MARR: I cannot possibly say.

Haripal public library.

***45. Babu JITENDRALAL BANNERJEE:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that some time in November, 1927, a public library at Haripal in the Hooghly district was searched and some books seized in connection with the arrest of one Pandit Dharanath Bhattacharjya of Haripal?

(*b*) Is it a fact that the said Pandit Dharanath Bhattacharjya was subsequently acquitted after trial?

(*c*) Is it a fact that the books seized did not include any proscribed literature?

(*d*) Is the Hon'ble Member aware that repeated requests were made for the return of the books seized?

(*e*) Is it a fact that the police have steadily refused to return the books to the library? If so, why?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) A petition to that effect was received in July, 1929. No other communication on the subject was received.

(*e*) No. The applicant was directed to apply to the Sessions Judge, Patna, for the books. Government have recently learnt that an order was passed by the Sessions Judge, Patna, on 25th January, 1930, directing the confiscation of three of the books under section 517, Criminal Procedure Code, and the return of the remaining five books to the owner.

Judge's quarters at Bogra.

***46. Khan Bahadur Maulvi HAFIZUR RAHMAN CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the Government have spent a large sum of money in erecting a Judge's quarters at Bogra?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what was the object in view when the Judge's quarters were erected?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes.

(*b*) During 1919-1923 work at Bogra was heavy and it was thought that an Additional District and Sessions Judge would have to stay there throughout the year. A residence was therefore constructed for him.

Unstarred Questions

(answers to which were laid on the table.)

Decision of cases under section 103A of the Bengal Tenancy Act.

48. Mr. A. K. FAZL-UL HUQ: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether any departmental directions are issued to the Assistant Settlement Officers about deciding cases under section 103A of the Bengal Tenancy Act?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state who issues such directions?

(*c*) Are they in conformity with the law as laid down by the High Court and the Judicial Committee of the Privy Council or are they based on executive orders, departmental rules and administrative convenience?

(*d*) Is uniformity maintained in all these directions issued to all the Assistant Settlement Officers in Bengal or are they based on the interpretation of law given by a Settlement Officer in charge of the survey and settlement work of a particular district?

(*e*) Will the Hon'ble Member be pleased to state whether in deciding the claims of lakhraj rights in holdings under section 103A of the Bengal Tenancy Act the Assistant Settlement Officers are directed to follow judicial decisions or to decide all such questions according to the directions of the Settlement Department?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) No departmental instructions are issued to Assistant Settlement Officers with a view to influencing their decisions under section 103A.

(*b*), (*c*) and (*d*) Do not arise.

(*e*) No separate directions are given. The Assistant Settlement Officers are required to decide such questions according to the provisions of law as interpreted by relevant judicial decisions.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Member be pleased to state whether it is a fact that Mr. Hill, the Settlement Officer, freely admitted to the lawyers who appeared before him on behalf of the parties that such instructions were issued by the Settlement Department, and the Assistant Settlement Officer concerned did follow such instructions?

The Hon'ble Sir PROVASH CHUNDER MITTER: The answer shows that I am not aware of that fact.

Decision of lakhraj claims under section 103A of the Bengal Tenancy Act in certain mauzas in Burdwan.

41. Mr. A. K. FAZL-UL HUQ: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state what principle was followed by the Assistant Settlement Officer Babu Suresh Chandra Ghose in deciding the lakhraj claims under section 103A of the Bengal Tenancy Act in mauzas Putunda, Sonakur, Ghatsila and Krishnapur in the district of Burdwan within the jurisdiction of the Burdwan Sadar thana?

(*b*) Is the Hon'ble Member aware that the said Assistant Settlement Officer decided most of the lakhraj cases in favour of the claimants of lakhraj rights accepting the papers produced by them and challenged by the landlord of the abovementioned villages without even formally going through the papers relied upon by the claimants?

(*c*) Is the Hon'ble Member aware that Babu Suresh Chandra Ghose declared that the presumption in every case should be in favour of the person putting forward such claims and that he had special instructions to help all such claimants?

(*d*) Are the Government considering the desirability of inquiring into the matter and of taking necessary steps?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) The claims were decided on the general principle that the onus of proof is on the claimant who must satisfactorily prove his rent-free title to succeed.

(*b*) The documentary evidence of both the parties was duly considered and the judgments were delivered thereafter.

(*c*) It is not a fact that the officer made any such categorical statements as are suggested in the question nor that he had any instructions to help all such claimants.

(*d*) Does not arise.

Babu KISHORI MOHAN CHAUDHURI: Will the Hon'ble Member be pleased to state whether it is a fact that the Assistant Settlement Officer, Babu Suresh Chunder Ghosh, decided cases without looking into the documents but simply upon the presumption that there is some difference?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing to add to my answer.

Babu KISHORI MOHAN CHAUDHURI: Will the Hon'ble Member be pleased to enquire into the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: If my friend states specific instances, I shall certainly do so.

Proceedings of the Bengal Process Servers' Conference held at Mymensingh.

42. Mr. K. C. RAY CHAUDHURI: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware of the proceedings of the tenth annual session of the Bengal Process Servers' Conference held at Mymensingh in December last?

(*b*) Will the Hon'ble Member be pleased to state what steps, if any, Government propose to take in the matter embodied in the resolutions passed at that conference and forwarded to the Government?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes.

(*b*) Government do not propose to take any action on them at present.

Maulvi NUR RAHMAN KHAN EUSUFJI: Will the Hon'ble Member be pleased to state if Government propose to take any action in the matter in future?

The Hon'ble Mr. A. N. MOBERLY: I have nothing to add to answer (*b*).

Jute steeping in the river Jalangi.

43. Maulvi ABDUS SAMAD: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government (Public Health) Department aware that jute steeping is being widely resorted to in streams and rivers of Bengal?

(*b*) Is the Hon'ble Minister also aware that these streams and rivers constitute the main sources of drinking water-supply to many parts of the province?

(*c*) Is it a fact that on account of such jute steeping in the river Jalangi (in Murshidabad) last season the water of the whole river was polluted and the villagers on both banks from Jalangi to Patkabari suffered terribly and even the fish and other aquatic animals died in large numbers?

(*d*) Will the Hon'ble Minister be pleased to state what steps, if any, the Government propose to take for the prevention of the recurrence of such a state of affairs in future?

MINISTER in charge of LOCAL SELF-GOVERNMENT (PUBLIC HEALTH) DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*) Jute is steeped in stationary water, and in stagnant or slowly running water at the sides of rivers.

(*b*) Drinking water is taken in many cases from a river on the sides of which jute is steeped, but naturally not from the stagnant water where the jute is lying.

(*c*) Information received from local authorities gives no support to this suggestion. The Circle Officer states from personal observation on a journey on this river that no jute was steeped last year in the river Jalangi which is now a flowing stream.

(*d*) Does not arise. But it might be stated for the information of the member that the local bodies have been vested with ample powers to prevent the fouling of public water-supplies by offensive practices such as the steeping of jute.

Maulvi ABDUS SAMAD: Has the fact been brought to the notice of the Hon'ble Minister that the upper part of the river Jalsagi is always stagnant except in the rainy season, and that in the lower part the river is flowing?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The member presumably has better information than I have got; I have no idea.

Posting of executive officers.

44. Maulvi SHAMSUDDIN AHMED: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether it is the general policy of Government that executive officers such as Deputy and Sub-Deputy Magistrates, Circle Officers and Khas Mahal Officers are not to be retained, unless absolutely required by the exigencies of the public service in a district, when posted there, for a period ordinarily not longer than five years?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the policy is actually carried out in practice?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state the policy of Government regulating the period of posting of such officers?

(*d*) Will the Hon'ble Member be pleased to state the number of officers of the substantive rank of Deputy and Sub-Deputy Magistrates who have been retained in a district for more than five years since their last appointment there?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) There are no definite orders on the subject, but officers in the general line are not ordinarily kept on the same duty in one charge for more than three years.

(*b*) Yes. In the great majority of cases.

(*c*) Does not arise.

(*d*) B. C. S. 6. Of these only one is in the regular line, two are on foreign service, two in special departments, and one in a special post.

B. J. C. S. 30; thirteen of whom are Circle Officers, and ten employed on special duty of various kinds.

Muhammadan ministerial officers under the Court of Wards.

45. Maulvi NURAL ABSAR CHOUDHURY: Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*a*) what is the number of the ministerial officers under the Court of Wards in Bengal; and

(*b*) how many of them are Mussalmans?

(*c*) If the answer shows that the majority of them are non-Muhammadans, will the Hon'ble Member be pleased to state why the majority of them and also of General Manager under the Court of Wards in Bengal are non-Muhammadans?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) 1,247.

(*b*) 96.

(*c*) The reasons for the majority of these officers being non-Muhammadan are:—

(*i*) The demand of estates owned by Hindu proprietors under the Court of Wards is about four times the demand of estates belonging to Muhammadan proprietors. The former had naturally employed Hindu officers. Even in estates owned by Muhammadans it has been found, on the Court's assumption of charge, that the majority of the ministerial employés are Hindus. The staff now serving under the Court of Wards is substantially the staff employed prior to the Court's assumption of charge.

(*ii*) With the pay and prospects offered for service under the Court, there are few suitable Muhammadan candidates for vacancies when they do occur.

Administration of Justice in the 24-Parganas.

46. Mr. K. C. RAY CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether there has been a great falling off in the number of (*1*) Guardianship, (*2*) Probate, (*3*) Administration and (*4*) Insolvency cases in the District Judge's Court, 24-Parganas, since the time of the present incumbent?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of making inquiries for ascertaining the reason for this falling off?

(*e*) Is it due to the dissatisfaction of the litigant public and the lawyers with the way of administration of justice in the 24-Parganas?

(*d*) Is the Hon'ble Member aware that the present District Judge dismisses original applications (*e.g.*, for Guardianship) in chambers before registering them and without hearing pleaders?

(*e*) Has this procedure the sanction of the Hon'ble High Court and the Government?

(*f*) Is it in pursuance of a policy to clear the file at all costs?

(*g*) Has there been any direction to the Judges and Sub-Judges at Alipore not to grant adjournments even if good grounds are made out?

(*h*) Is it a fact that the litigants have to move the Hon'ble High Court for getting adjournments?

(*i*) Is this due to a desire to satisfy the District Judge by showing better returns?

(*j*) Is Bengali still the court language of the 24-Parganas?

(*k*) If the answer to (*j*) is in the affirmative, are the Government considering the desirability of making inquiries why the parties and pleaders are compelled to translate all documents and papers in cases before the District Judge?

(*l*) Are the Government considering the desirability of putting a stop to this sort of practice?

The Hon'ble Mr. A. N. MOBERLY: (*a*) The figures for the last five years are laid on the table.

(*b*) and (*c*) No. Any person aggrieved has his remedy in the court of appeal.

(*d*) No.

(*e*) and (*f*) Do not arise.

(*g*) No. The High Court has issued some instructions regarding adjournments and a copy of the Court's general letter containing these instructions is on the table.

(*h*) No, save in occasional and exceptional cases.

(*i*) Does not arise.

(*j*) Yes.

(*k*) Parties and pleaders are not compelled to translate all documents and papers in cases before the District Judge.

(*l*) Does not arise.

Statement referred to in the reply to clause (a) of unstarred question No. 46.

STATEMENT SHOWING THE NUMBER OF (1) GUARDIANSHIP, (2) PROBATE AND ADMINISTRATION, AND (3) INSOLVENCY CASES INSTITUTED DURING THE YEARS 1925 TO 1929 IN THE DISTRICT JUDGE'S COURT, 24-PARGANAS.

	1925	1926	1927	1928	1929*
1. Cases under Act VIII of 1890 (Guardianship) ..	390	380	270	227	133
2. Probate and Letters of Administration cases	54	45	44	35	35
3. Insolvency cases	77	93	82	69	59

*Up till February, 1927, permission cases were registered as new cases.

Statement referred to in the reply to clause (g) of unstarred question No. 46.

High Court: English Department—Civil.

General Letter No. 2, dated Calcutta, the 6th February, 1928.

From H. C. STORK, ESQ., I.C.S., Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side,

To The District Judges of Bakarganj, Bankura, Birbhum, Burdwan, Chittagong, Dacca, Dinajpur, Faridpur, Hooghly, Jessore, Khulna, Midnapore, Murshidabad, Mymensingh, Nadia, Noakhali, Pabna-Bogra, Rajshahi, Rangpur, Sylhet, Tippera and the 24-Parganas; the Judge of the Assam Valley Districts, the Additional District Judges of Bakarganj, Sylhet, Tippera and Chittagong, Jessore-Khulna, Midnapore, Faridpur and Hooghly (Howrah); and the Additional District Judges of Mymensingh, 1st and 2nd Courts; Dacca, 1st and 2nd Courts; and of the 24-Parganas, 1st, 2nd and 3rd Courts.

I am directed to forward the following suggestions for your perusal [and for distribution among the courts subordinate to you,] and to say that the suggestions are intended by way of advice for your guidance [and the guidance of the courts subordinate to you,] in the trial of suits:—

(1) On the plaint of a suit having been examined and found to be in order and properly stamped, it shall be placed before the court, and a formal order recorded directing registration of the plaint and ordering the plaintiff to put in, within 7 days, the necessary processes and process-fees.

[ ] not for Additional Judges.

(2) On the date so fixed, the record will again be placed before the court for formal orders for issue of process, or for consideration of any cause that the plaintiff may have to show for non-compliance with the court's orders.

(3) On the date fixed for the appearance of defendants, the court will consider the returns of service in cases where the defendant or any of the defendants is absent, and will record an order either accepting service of process or giving such further directions as may be necessary regarding issue of fresh process.

(4) In case issue of fresh process is directed, the record should be put up before the court within 7 days, so as to ensure that the plaintiff complies with the court's orders and puts in the necessary process-fees and processes.

(5) On the appearance of the defendant, if the written statement is not filed on the date of such appearance, an adjournment may be granted for the filing of the written statement, the length of the adjournment depending on the nature of the suit.

(6) In special cases, a second or a third adjournment may be granted for filing the written statement, on cause being shown to the satisfaction of the court. In case a third adjournment is granted, the defendant should be directed to pay adjournment costs.

(7) On the written statement being filed, a date will be fixed for the framing of issues, and the issues will be framed on the date so fixed. Any party seeking an adjournment should be ordered to pay adjournment costs.

(8) After issues are framed, cases in which local enquiry may be necessary should be adjourned to a date a fortnight ahead to enable the party at whose instance the commission will issue to apply for such commission.

(9) When a commission for local enquiry is applied for and granted, the court should fix a date, not more than 10 days ahead, to enable the party at whose instance the commission is being issued to deposit the fee ordered to be deposited and to file the necessary papers.

(10) Strict compliance with orders made regarding deposit of commissioner's fees and filing of papers should be insisted on. Except on very good grounds, time should not be extended. Default of compliance with order of the court should be punished by cancellation of the order for issue of commission.

(11) When commissioner's fees and the necessary papers have been filed, the commission will issue, and a date will be fixed for the submission of the commissioner's report. The record will be placed before the court on such date. If the commissioner's report has been received, a date will be fixed for hearing objections, if any, to that

report, and on the date so fixed the objections will be heard and decided. If the commissioner's report has not been received, a fresh date will be fixed, and steps will be taken to ensure submission of the report within that date.

(12) In all cases in which issue of commission for local enquiry is ordered, after proceedings in that connection have been completed, and in all other cases after issues have been settled, a date will be fixed for settling the date of hearing, such date being ordinarily not more than one month ahead.

(13) On the date so fixed, the court should insist on parties being ready with their lists of witnesses and on their applying, if necessary, for the issue of commission for the examination of witnesses. All process-fees and written processes and commissioner's fees that may be necessary should also be put in on that date.

(14) Dates for hearing will be fixed by the court, having regard to the state of its file and also to the nature of the suit, earlier dates being fixed for suits of a simpler nature.

(15) The court should arrange its daily file so as to make sure that it will have enough work to keep it occupied. More than one case should be fixed for each day to provide against the failure of cases to come up for hearing, through death of parties or other causes.

(16) Weekly lists of cases set down for hearing should be prepared at the end of every week, and the cases will be dealt with in the succeeding week, ordinarily in the order in which they have been set out in the list.

(17) All applications for injunctions or for other interlocutory orders in which an appeal is allowed should be dealt with independently of the proceedings for the preparation of the suit for trial and should not be affected by these rules.

Form for the transmission of the landlord's fees.

47. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: (*a*) Has the attention of the Hon'ble Member in charge of the Revenue Department been drawn to the fact that in spite of the new forms being prescribed by rules under the Bengal Tenancy Act as amended for the transmission of the landlord's fees, old forms are still being used causing great inconvenience to the parties concerned?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps the Government propose to take in the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) and (*b*) Government are not aware of the facts stated, but will make inquiries if specific cases are cited.

RESOLUTIONS

(on matters of general public interest.)

(The discussion on the resolution regarding proposal to amend the Bengal Tenancy Law was then resumed.)

2-45 p.m.

Babu JITENDRALAL BANNERJEE: As I was saying the other day, my resolution refers to two principal points. One, the question of salami and the right of pre-emption, and the other the landlords' right with regard to the enhancement of rent. As I have submitted, my points will show that the effect of these two provisions would be to render nugatory the Bengal Tenancy (Amendment) Act which was passed last year. One of the objects was to confer the right of transferability upon occupancy holdings, but as a matter of fact, as a result of the combined effect of these two provisions, that right has been taken away by these sections. Occupancy holdings were not transferable, but it is well known that this non-transferability could be evaded in various ways and considerable hardships could be mitigated in each case by the sale of the holding. The hardship would be mitigated because the tenant would not be called upon to pay salami; there might be a private arrangement with the landlord, as the tenant might extend the payment of the money over a series of years. At present no transfer is possible, unless the tenant is prepared at the very time of the transaction to pay 20 per cent. salami. The result has been a considerable decrease in transfers, instead of facilitating the transfers. And one eloquent reason was given by the Hon'ble the Finance Member to-day when he admitted, most reluctantly, that a large decrease in the revenue of the Registration Department was due to the fact that there had been a falling off in transfers of property as a result of the amended Bengal Tenancy Act. This fact speaks far more eloquently.

I shall now pass on to the second point, namely, the question of the landlords' right of enhancement of rent. Here also, I shall try to point out how this question is based on a serious misconception of facts. In fact, it is a tragedy of errors from beginning to end. When the Permanent Settlement was passed, the tenants were entitled to pay a fixed rate of rent, and that fixed rate was the prevailing pergana rate. The Permanent Settlement itself was a conciliatory piece of legislation, but all the same even the authors of the Permanent Settlement recognised the fact that just as there should be a limitation in the demand from landlords, so there should be a similar limitation in the case of the demand from the tenants. In fact, that was clearly contemplated by the framers of the Permanent Settlement. It was the existing custom of the Government, and the existence of usage that was recognised by the authors of the Permanent Settlement. In

fact, the very next year, in 1794, in Regulation VII of 1794, it was provided that the tenants should only pay at the customary fixed pergana rate, and that no enhancement should be demanded from them on any pretext whatever; fresh pattas should not contain any provision about enhancement of rent. That was the provision in Regulation VII. Then again, in 1822, the Government of India in addressing the Court of Directors, said that it was unquestionably open to Government, in fixing its own demand, to fix the rate at which the zamindars may make their collections, and it was intended to make perpetual the rates existing at the time of the Permanent Settlement. The rule is of course obligatory on the zamindar. The Court of Directors fully agreed to this expression of opinion that the demand of the tenants should be as permanent as the demand on the zamindar, and at that very time the preparation of a record-of-right and a survey was kept in abeyance owing to the paucity of a class of officers known as Kanungoes. In any case, the survey and the preparation of a record-of-rights was never undertaken. But all the same the landlords' statutory recognition was never extended to the landlords, and such recognition was given for the first time in 1859. When the present Bengal Tenancy Act was introduced in the Legislative Council in 1883 Sir Ilbert Courtney admitted that this question of the landlords' right to receive enhancement was based on a clear misconception of historical facts. That was the admission of the then Hon'ble Member in charge, and in the course of the discussion on the Permanent Settlement, Sir Rivers Thompson, the then Lieutenant Governor, made two proposals. One of them was to make occupancy holdings transferable—a proposal which was given effect to more than 40 years after. The other proposal was that legislative sanction to the landlords' right of enhancement of rent must be dropped; there must be no further question of enhancement of rent. Unfortunately for the tenants of Bengal, neither of these proposals have ever been carried into law. There are certain facts which I shall place before the Council which will make the case clear, and show how far the tenants have suffered under the provisions of the Permanent Settlement Regulation. When that Settlement was enacted, the gross tax from the tenants of Bengal was not more than 275 lakhs of rupees; Government fixed its demand at Rs. 2 crores 50 lakhs, leaving Rs. 25 lakhs as the net profit of the landlord. The exact figures are not available, but the approximate figures will be sufficient for my purpose. The present gross taxation cannot amount to less than Rs. 16 crores, but Government revenue still remains what it was; it is still only Rs. 3 crores of rupees. Within the last 100 years the net profit of the landlords has increased from Rs. 25 lakhs to Rs. 13 crores, an unearned increment of 52 times, or 5,200 per cent., whilst the State's revenue remains what it was. And for this increment of Rs. 13 crores, they have neither toiled nor have they spun;

it has been made a present to the landlord by the vicarious generosity of a generous liberal, self-denying Government which has placed a self-denying ordinance upon itself for the purpose of benefiting their protégés, the landlords of the country.

My proposal is an extremely modest one. What I suggest is that so long as the landlords' demand remains fixed, let the tenants' demand also remain fixed. If the landlords contribute more to the exchequer, we on our part are also willing to contribute, but so long as the landlords persist in remaining as drones and parasites of society on the community, we decline to batten them any further, and we decline to admit that they have a divine right to grow fat and prosperous at the expense of the poor serfs of the country. A mere glance at the provisions of section 30 will show how unjust the section is. One of the provisions is that the landlord is to be entitled to receive enhancement even if the fertility of the land has increased by virtue of fluvial action, without any expense of labour, industry or energy on his part, or anything that he has done—the man has done nothing for the last 100 years. I admit that in many respects the condition of the tenants has improved and that he is better off, but the price of food has increased and the cost of living has also increased. Leaving the question of the cost of living aside, and the question of increased prices of food crops, has the zamindar done anything on his part to increase the fertility of the soil, or improve matters at all? Has he dug any wells, or excavated any tanks, or built any embankments? He has done nothing. If the tenant has benefited in any way, it is not due to anything that the landlord has done, but it is due to the Pax Brittanica. The landlord has no part in the increase of the fertility of the soil and the increase in the price of the crops which has been of benefit to him and will continue to give him more benefit for years to come. If every 15 years the landlord will be entitled automatically to demand an enhancement at the rate of 12½ per cent., in the course of 100 years his profit will be doubled without any expenditure of money or energy on his part. My proposal is that this kind of thing ought to be stopped. If there is any sense of justice in the British Government, there must be a new Permanent Settlement to redress the grievances of the tenants. The old Settlement was for the benefit of the landlords, and there must be a new one for the benefit of the tenants. So long as the landlord does not contribute more, the tenants will not contribute more. Legislation is required for this very modest reasonable demand.

I do not know what the fate of my resolution will be; most probably my proposal will be rejected because the tenants' political consciousness is just being aroused. Their representatives are not here, while the hostile interests of the landlords are most adequately and ably represented. I have a faint hope as regards my friends to the left

who call themselves the peoples' party—it is their new name and I wish them joy of the name, and I hope they will justify the title that they have assumed, and that they will live up to it. I hope it will not be said that they have sought to disguise their identity under a party label. So far as the Government is concerned, they have to recognise the fact that they have now arrived at the cross-roads. It is idle to say that there is no class war in the country. There is a class war, there is an eternal conflict between the rich and the poor, between those who have vested interests, and those who have no interests, vested or protected, and it is up to the Government to answer in this eternal conflict which side they will support. Will they hold the scales even, or heavily weighted in favour of those who are well able to support themselves, who can protect themselves by superior education, superior organisation, by virtue of their larger and weightier representation in the legislature? The Government of this country is sometimes frightened at the political agitation now going on. I myself have taken part in it, and I know that this political agitation has been abortive up till now, because it has been confined to a small group of the *intelligensia;* behind them there has not been any solid group of the masses, but once the masses begin to suspect the intentions of the Government, and feel that in their demand for justice the Government is not behind them————

Mr. PRESIDENT: Order, order. I am afraid you are touching upon matters which are beyond the scope of your resolution.

Babu JITENDRALAL BANNERJEE: Certainly, Sir, I did not think that I was in a court of law; I speak subject to correction; if you think I have travelled too far beyond the scope of this resolution, then I have nothing more to add.

3 p.m.

Mr. SARAT KUMAR ROY: I fail to understand with what object in view Mr. Bannerjee introduces this resolution when quite recently all these questions were keenly discussed in this Council and several changes were introduced in the Bengal Tenancy Act, unless it is to attack that section of his countrymen known as zamindars.

Regarding the abolition of the right of pre-emption. This is an effective check against the raiyats stating false values of their holdings in the deeds of sale. Already dishonesty on the part of raiyats in the exercise of the right of transfer granted to them by the recent amendments of the Bengal Tenancy Act is, I am afraid, rampant, e.g., frequency of sales of undoubtedly occupancy holdings under false recitals of mokarari. So over and above this if the right of pre-emption is abolished, justice requires that the landlords should be given the

right of contesting the fairness and adequacy of the price stated in the *Kobalas*. This, however, would be an expensive procedure and would prove ruinous both to the landlords and to the tenants, and the latter, I am afraid, will be greater sufferers. Ruinous increase of litigations is the duty of the State to check.

Again by abolition of the right of pre-emption naturally holdings will be sold at fictitious prices, much less than their actual values, with the effect that the State will also be loser in the shape of stamp duty.

The money-lenders and other capitalists will also not be slow in taking advantage of the withdrawal of this wholesome check upon them and will be grabbers of lands, so that the poor raiyats for whose benefit Mr. Bannerjee thinks he is doing so much, will in reality be gradually landless.

Regarding further reduction of landlords' transfer fees. Chouth, i.e., one-fourth proportion of purchase money has for a long time been levied on transfers by occupancy holdings so that it had almost become a custom. It has nevertheless already been reduced to a certain extent and no case has been made out for further reduction. (Perhaps Mr. Bannerjee is not unaware that the zamindars have to keep up an elaborate system of books for keeping accounts of jamas, etc. This means employment of amins, patwars and clerks, etc., by the landlords, and each mutation of names entails several entries, corrections and opening up of new accounts, not to speak of the troubles and botherations as well as of risks run by the landlords in admitting strange and perhaps undesirable persons as tenants.) So the small fees the landlords get and which has been already reduced by legislation, are not too much for them to demand from unknown new comers. (Mr. Bannerjee ought to remember, that the zamindars are responsible to the State for farming the revenue and if they are unable to prevent undesirable tenants to take possession of lands, they will be greatly hampered in the act of realising rents and thus paying Government revenues regularly.)

Again if transfer fees be fixed at a nominal rate or absolutely abolished as Mr. Bannerjee even hinted, then naturally there would be frequent transfers of such holdings. Land would pass away from the hands of the cultivating class to the money-lenders, capitalists and exploiters of lands, leaving the cultivators in the position of landless day labourers, and the history of Rome will repeat itself. So I appeal to the raiyats to consider whether this wholesome check, which though seemingly put some money into the pockets of the landholders, are not really necessary for safeguarding their own interests.

Regarding enhancement of rent. In Hindu and Muhammadan times the land revenue was taken in kind on the basis of actual produce,

so it logically followed that with the increase of produce the cultivators were liable to pay proportionately more. The proposed resolution is, therefore, in theory unsound and unwarranted either by history, tradition or custom. At no time was the cultivator entitled to retain the whole benefit of the increased yield or value, so I beg to submit Sir, that the existing law on enhancement is sound in principle.

In the majority of cases the cultivators have over them middle-men or tenure-holders. The resolution does not propose to restrict the rights of these tenure holders to enhance the rental of the raiyats under section 30 of the Bengal Tenancy Act, and, therefore, in the majority of the cases there will be no relief, as intended for the raiyats, by the resolution. Only an invidious distinction between the zamindars and the tenure-holders will be introduced. While on the other hand, if the tenure-holders be obstructed to enhance rents of their raiyats, the middle-class of Bengal, which form majority of Hindu and Muhammadan tenure-holders, will be wiped out of existence. So this part of the resolution is conceived in a mischievous spirit indefensible in principle and unwarranted by history. No case can be made out for the harsh and unjust treatment of the zamindars. I, therefore, appeal to the House not to entertain this ill-conceived resolution.

Maulvi SYED MAJID BAKSH: After the resolution was so eloquently moved by my friend, Mr. Bannerjee, with an eloquence of which he alone is capable and after the sorry incident which compelled him to stop, it will not be proper for me to go to that length to which he was going. But I shall come to my point right off. I would like to remind my zamindar friends that they are living under a delusion. The provision of 20 per cent. or of any other sum that has been provided for in the Bengal Tenancy Act is illusory. The very statement of the Hon'ble Revenue Member shows that there has been much less transaction on this basis than there should have been. The zamindars therefore are not getting what they thought they would get. On the contrary, if my information is correct, instructions have been sent by the Registration Department to sub-registrars that if a tenant describes himself otherwise than he is there will be a bar to the registration of his documents and as a result of this many tenants who are really occupancy raiyats and who would pay the dues of the zamindars, if they describe themselves otherwise than they are, they are not deprived of their right of registration. The Bengal Tenancy Act is a perfidious piece of legislation amazing in its perfidiousness and astonishing in its extent of misappropriation of the zamindars. I would, therefore, suggest to my zamindar friends not to look to the gain which they do not derive on this basis but accept this modest resolution so that even the small reduction that is indicated here will ultimately prove profitable to them and they will not be deprived of it by fraudulent means.

Ultimately when the sum total is made up they will find that they are gainers by this resolution than under the Bengal Tenancy Act.

The Bengal Tenancy Act is a misnomer: it is the Bengal Zamindars' Act; many privileges that the zamindars did not possess before are embodied in this piece of legislation. Many questions had arisen before but no question can arise now. To those questions I will make no reference here. My friends shrewd as they are, shrewd businessmen and shrewd zamindars as they are, they understand it very well. Many questions that were obscure before this piece of legislation was passed have been made clear now from which the tenants have no escape. The tenants—please pardon me for using an expression which may not have any relation to the present debate, the tenants are being led under this Act in triumph, under the triumphant chariot of the zamindars just as Cæsar mounted in triumph the capitol at Rome, with his victims in chains.

This is an Act which is full of omissions so far as the rights of tenants are concerned. As regards some of the points which one of my friends has raised I have not been able to note it down. It is said that in making provisions like these Government have discharged their duty in checking unnecessary litigation. On the contrary, I think it has increased litigation. The zamindar has got to establish his right to share in the transfer money wherever and whenever a tenant describes himself otherwise and escapes registration. It has, Sir, increased litigation the end of which nobody yet knows and nobody can foretell.

As regards enhancement my friend who spoke before me has said that the enhancement is a matter of course, because in the ancient historic periods both under the Hindus and Muhammadans the tenants had to pay a share of their produce. Quite so; but he forgets the other side of the picture. If the land did not produce anything for a number of years, what did they do? That side of the picture he has safely ignored; they paid only in prosperous years. If that fact be recognised then only will there be something in the analogy but "heads I win, tails you lose"—that is the argument which has been advanced by my friend who preceded me.

Sir, this is a controversy which seems to me unseemly. The tenants and zamindars should not be at loggerheads with each other on this point. The zamindars are in affluence and many of them have more money than they know what to do with it. They should save the poor tenants from misery and hunger by relinquishing some of the portion they are getting from the land. Your annual income nobody seeks to decrease; only give up those additional things that you think you are getting but of which you are from day to day defrauded by various ways. Is that a very big thing that is asked of you? I would like to

say to my zamindar friends that they should rather lead the tenants and not be led by them. So long the tenants have looked upon the zamindars as their protectors and guides. So, why do you, in exchange for this dignified position, run after illusory shadows?

3-15 p.m.

History shows instances of sacrifice on the part of the landlords in this country as well as in other countries. If you look at the history of Japan, if you look at the history of Turkey, you will see that the shoguns in Japan voluntarily gave up their claims to their lands, and the landed proprietors in Turkey relinquished all their lands and went to the front in the time of war. Neither the Shoguns in Japan nor the landed proprietors in Turkey have become extinct. I would ask the zamindars here to show a generous attitude ———

Mr. PRESIDENT: Order, order. I have not the least intention, Maulvi Sahib, to check the flow of your rhetoric, but I am afraid I must ask you to confine yourself to the resolution. Up till now your remarks have been very general.

Maulvi SYED MAJID BAKSH: I submit, Sir, I am within my rights to make general remarks.

Mr. PRESIDENT: The member must speak on the resolution and on the resolution only.

Maulvi SYED MAJID BAKSH: I was going to submit, Sir, that in these clauses of the Bengal Tenancy Act some benefit is reserved for the zamindars, but if you think that I am not entitled to make general remarks, I will sit down.

Babu SATISH CHANDRA RAY CHOWDHURY: I oppose the resolution moved by the hon'ble member. He has invoked both principle and experience in support of his motion. I will, Sir, oppose it on the very same grounds.

The principle I rely on is not the same as his but a different principle, but it is principle and sound principle none the less.

The hon'ble gentleman, a learned professor and an erudite scholar, has fallen into a serious error in trying to revive controversies buried long ago to the relief of all concerned—I mean the controversy regarding who the owner of the land is. It is a subject which no longer interests and ought to interest a legislator. It is for the antiquarian. But I am not afraid to face the controversy thus revived. We find that even when the village communities were holding the example of a

perfect democratic organisation in the dim ages of the past—the relation of zamindars and raiyats existed—the V. C.'s being in the position of landlords and the Paikasta raiyats the tenants. Then in the Mogul period although naturally the then foreign emperors attempted to come in direct contact with the cultivators, they far from succeeded in this, on the contrary set up middlemen like rajas and zamindars. The Badshahi sanads held by our ancient zamindars are positive proof of this. I do not deny that interpretation differs with regard to their exact imports. But they establish the existence of zamindars with real right. When the English came they would naturally build on old foundations instead of hazarding a new experiment, and so they did. They proclaimed the zamindars the proprietors of the soil and for the last 137 years they have been so proclaimed and this has gone practically unchallenged till a scholar and an antiquarian came on the scene. Call it treaty rights, call it by what name you please, it is a sacred obligation which cannot be challenged by any party without creating a sense of grievous wrong and injustice.

The only practical application of the theory of ownership now is in the question of transferability. Here again it is fairly clear that our ancient system did not encourage transferability. The Paikasta raiyats were admittedly more tenants-at-will and the Khudkastas could only enjoy and inherit. It is only Act X of 1859 which for the first time levelled up these classes and invested all with occupancy rights, altogether obliterating the distinction between Paikasta and Khudkasta.

Since then the landlords are losing and the tenants gaining steadily and surely and I would say rapidly too. The hon'ble member says by these later legislations only mistakes were being corrected. I dispute it. It is the march of events and march of ideas which are forcing the hands of Government to raise the status of tenants and the enlightened landlords of Bengal following the time spirit, have been an acquiescing party to this amelioration of the lot of tenants at considerable sacrifice of rights, privileges and money.

The Act of 1885 took away the last vestige of the powers and privileges of landlords relegating them to the position of mere tax collectors with a solatium in the shape of the customary salami.

Naturally, therefore, when the last amending Act was put on the anvil or rather contemplated, the landholding class apprehending utter annihilation raised a strong protest. The Government had, therefore, to be very careful and never in the history of legislation did a Government show greater caution and deliberateness.

The amending Act is the result of 8 years labour (1921-28) of the ablest representatives of tenants and other interests and of known experts in land laws. That is quite well known to this House and requires no recapitulation.

What is more it was a compromise measure by which the landed interests were deprived of the very valuable rights which they had enjoyed for a century and half. These rights were generously given up to purchase peace and, as it was then hoped, lasting peace. But before the year is out, before one has hardly gained any experience of the working of the Act, it is now proposed to our utter surprise to bring about the most fundamental change in the scheme of the Act. In fact it is proposed to entirely nullify the fruit of those labours and rekindle the embers of a dead controversy. I might go so far as to say that it would be challenging the wisdom of a very recent decision of this House. Should the legislature, should this august body so light heartedly undo their own work in so short a time? On principle it should not do so.

The hon'ble member appeals to experience. It is possible that experience has been gathered in so short a time to justify such a drastic change? If any has been gained, that would go to show that the tenants have gained immensely. All these arguments were used during the discussion of the amending Act; but the hon'ble member does not show how the argument is supported by recent facts. No data has been cited worth the name. On the contrary I assert that the tenants have gained immensely.

(1) The purchaser used to pay salami before the Act. He does pay it now too, but much less.

(2) He is now free from the fear of the landlord because the fear of pre-emption cannot check him as he is assured even in case of pre-emption of a 10 per cent. profit in two months which any greedy money-lender would covet.

If anything, it is the landlords who have been handicapped and who are not getting all they bargained for. For example the co-sharer landlords are having their salami money detained in collectorate. The tenant does not put the names of all the landlords in the notice or wrongly puts the names and the landlord is faced with a protracted litigation. The hon'ble member cannot in one breath challenge the Permanent Settlement as having made the land revenue inelastic and in the same breath ask that the raiyats' rent should be fixed in perpetuity. Once it is made permanent this source becomes inelastic for ever and must endure even when the landlords—the middlemen—are effaced. What do the exponents gain then?

Can the hon'ble gentleman make enhancement a grievance—is it a real grievance requiring remedy? Let us see. If the annual value of the produce of a bigha of land be considered, the rent which the tenant pays to the landlord will be found to be less than 1/20th of the value of the produce. In Manu's time the tenant used to pay 1/6th of the value of produce to the king annually. The famous assessment of Todur Mull fixed the rent at 1/3rd the value of the produce annually.

The tenants are practically enjoying the millenium now owing to the Permanent Settlement in Bengal. By renewing the buffer of middlemen whose power of enhancement is so hide-bound and restricted by the provisions of section 30 of the Bengal Tenancy Act, the tenants will be exposed to the full fury of direct increase of rent by the legislature. If he would compare the condition of tenants of Bengal with that of the tenants of any other province he will find that he has been advocating for the ruin of the tenants. If our tenants suffer that is not because, but in spite of the Permanent Settlement; and that is owing to the destruction of our industries, crafts and trades. The hon'ble member knows as much as any body else who are responsible for their present miseries, but the hon'hle member it seems dare not speak out.

The last Act was a compromise measure and Government played a leading part in that compromise and the treasury bench, therefore, cannot but now oppose the resolution. I believe and I know that the to-morrow belongs to the peasants and workers. I for one will welcome the day when they will play a master role in shaping the destinies of this country. Nay, I believe, the nation cannot come by its own until the peasants and workers take their stand by us in our struggle for natural freedom. But, Sir, if he who will play the master role, the dictator's part to-morrow, should he not be advised to exercise self-control and to inspire confidence in others by behaving in a way which their high coming destiny demand of them instead of behaving like Oliver Twist and cry for more and more from hands which, however, are too willing to give. I would, therefore, appeal to the hon'ble member not to press the resolution.

3-30 p.m.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: I do not desire, at the present moment, to discuss the merits or demerits of the question. The whole question is whether it is desirable for us to follow the old principle which has been just enunciated by my friends on both sides of the House or whether we should act according to present times and circumstances. The Bengal Tenancy (Amendment) Act has been passed not about a year and a half. It has come into operation only a few months ago. I think it would be the most unwise police—I may even say most dangerous policy—if we venture to amend any of the sections of the Act without even giving the Act a fair trial and without waiting for a reasonable time to see the working of the Act. This Act was the outcome of a mature deliberation and discussion in this House by the most able men who took a great deal of interest to shape and mould the Act. If we now try to change any of the sections of the Act which the best talent of the House

moulded and for which they have laboured for years, I can say so—not of months and days but of years—in shaping the Act and framing the sections, then we will be dishonouring them. As my friend has just observed we will be dishonouring our own House if we try to amend or change or alter the sections. Sir, I admit that there will be sections which may require amendment later on but not before we are thoroughly convinced that the working of the sections has some practical difficulties and after they have been in the working for some reasonable time and not before that are we in a position to alter or to make any amendment to any of the sections. Sir, to my mind the Government is the proper authority to bring any amendment in the near future if it be required for, I am afraid, it will not be possible for any private individual to gather so many facts and figures which are required to satisfy the House. Secondly, there are other things, at the time the Act was passed there was a mutual agreement and a compromise between the tenants and zamindars and the zamindars have sacrificed their old vested rights without taking a single pie as compensation. There is no law anywhere in this world where the right of any person has been transferred without affording adequate and reasonable compensation, but the landlords of Bengal have made a compromise with the tenants in order to strengthen the relations between the landlords and tenants. That is why they were willing to part with their vested rights. Moreover, they have agreed to give the right of transferability of holdings to tenants. If we now try to alter or to modify those terms we shall certainly be dishonouring the solemn terms which we have settled in this Council after mature deliberation and I think we would not be justified in doing so. It would not be fair to the parties concerned. We would be running a great risk if we try to amend any of the sections of the Act and it would be unfair to our party and to others as well. With these few remarks I beg leave to oppose the motion.

Maulvi ABDUL HAKIM: Sir, in support of clauses 1, 3 and 4 of this important resolution I beg to adduce the following reasons for the consideration of the House. First of all I want to summarise the evil effects of the right of pre-emption obtained by the landlords. Lands are the only assets upon which the lives of tenants chiefly depend. A tenant loves his land more than he loves his own wife and children. In the eye of reason, equity and justice, the right, title and interest in lands should lie with the tenants and not with the present landlords as the raiyats are the actual cultivators of their lands and the landlords' duty is simply to collect rents and cesses on behalf of Government. Hence the landlords should not interfere with the free transfer of raiyati holdings by right of pre-emption or in any other manner whatsoever.

The Permanent Settlement is the historic blunder that has been committed by Government upon the land question of Bengal, inasmuch

as it has deprived millions of raiyats not only of *their* proprietary right but also have laid stone foundations for many sorts of unjust realizations from the wretched tenants. Over and above that the right of pre-emption is nothing but a new edition to the chapter of wrong doings and unjust realizations that are being daily committed upon the tenants. It is the most dangerous weapon given in the hands of landlords for increasing not only the rates of rent but also for realizing unfair transfer fee and other unjust claims according to their own desire by actually ousting the tenant from his purchased land or by putting him in fear of ousting that land. I may assure this august House that even at this infant stage of the Bengal Tenancy (Amendment) Act a large number of pre-emption cases have already appeared both at my own district as well as in other parts of the province. The present landlords are nothing but rent and cess collectors of the soil and it is the raiyats who have been cultivating and living upon their lands since the creation of mankind. Is it not, therefore, just and proper that these natural children of the soil should be called proprietors of their lands, if there be any such proprietors of land under Government? And is it not proper that if Permanent Settlement is at all deemed proper it should have been granted to the raiyats and not to the so-called landlords?. By the amendment of the Bengal Tenancy Act the raiyats wanted bread but have received stones instead. Some sections of this amended Act contain fraud and diplomacy of the most merciless character and instead of improving the real status of the raiyats help only to devise easy means for satisfying unjust claims upon the helpless tenants in the shape of new legislation. It has legalised transfer fee or salutation fee which was declared unfair and illegal at the time of granting Permanent Settlement to the so-called landlords; one cannot but be surprised if he imagines the huge amount of realizations from the wretched tenants in the shape of excessive rents, transfer fee, tahori and other sorts of realizations behind the curtain (tahori is a sort of bribe taken by landlords' officers from the raiyats at the time when raiyats take settlement of their purchased lands). From certain statistics I am aware that the total realizations by landlords from the tenants amount to more than 40 crores of rupees per year. If it be true, is there any instance of such a thrilling exploitation and misappropriation of *public* money in any other country civilised or uncivilised in the history of the world? Owing to such exploitations millions of raiyats have been rendered landless and have been compelled to leave their homes with tears in their eyes and seek their daily bread in the deep jungles of Assam.

I, therefore, vehemently oppose the landlords' right of pre-emption as mentioned in the resolution. As regards clause 2 of this resolution regarding the reduction of transfer fee, I am of opinion that the landlords are entitled to realise only rents or cesses from the tenants which are nothing but public money and there should be no rhyme or reason

why the landlords should realise for themselves transfer fee or salutation fee which can never be called public money and which never goes to Government treasury for the administration of the province. I also remind you all that this transfer fee is not even warranted by the Permanent Settlement granted to the landlords as Magna Charta of their rights upon the lands of tenants. In case of transfer of raiyati holdings the landlords are entitled to realise the self-same amount of rents and not a farthing less from the new transferee even. And I cannot think why the tenants should pay any transfer fee, while the landlords do not pay any transfer fee in their turn to Government, who is really their landlord, when their estates are sold or transferred in any other manner. At any rate the landlords should not be entitled to realise transfer fee from their tenants. My friend Mr. Bannerjee has made an error in principle by admitting in a manner the legality of the transfer fee, however small it may be. I may add here that All Bengal Praja Conference held in January last at Kishenganj has drawn special attention of all the members of this House to have the transfer fee totally abrogated from the Tenancy Act.

3-45 p.m.

I, therefore, strongly oppose the principle adopted by my respectable friend regarding the transfer fee mentioned in his resolution.

As regards the enhancement of raiyati rents I humbly submit that there should be no legislation for further increasing the rents paid by the raiyats as long as the land revenues of the landlords are fixed for ever. The cadastral survey shows that the landlords of Bengal realise about 14 crores of rupees by way of rents every year while they pay to Government a total revenue of not more than four crores of rupees per year. Is there any justification for appropriating this gigantic amount of about Rs. 10 crores of public money for their own use? Was this huge margin kept apart for their own use at the time of granting Permanent Settlement in the year 1793? Is not this huge margin more than improper in consideration of the fees which they ought to receive for their labour as rent collectors? I beseech the landlords of Bengal to think seriously at this time of democratic age why they should exploit or misappropriate for themselves such an unusual amount of rents simply on the ground that they collect rent and cesses on behalf of Government. This colossal margin is also nothing but public money and should go to the hands of Government for helping the administration of the country. Under the circumstances mentioned above, I find no earthly reasons why any legislation should be made for further enhancement of raiyati rents in the province of Bengal. In fact, sufferance has become the badge of the poor and helpless tenants most of whom are no better than so many dumb animals grazing in the fields. And if poverty be the prime reason for it, let a placard be hung at the door of this Council House that no

justice is to be done to the poor and helpless tenants and no right is to be had without any might, but in the decree of the Almighty Judge poverty and might are considered alike in the balance of justice. I, therefore, as an humble messenger of tenants do appeal to all the respectable members of this honourable House that you all will consider the aforesaid reasons and support clause 1, 3 and 4 of the resolution, and shall vehemently oppose the unjust transfer fee, for saving the tenants from further exploitations and extortions to be committed by landlords upon the millions of helpless and benighted tenants of Bengal.

Mr. BIJOY PRASAD SINGH ROY: I will not try to immitate the language of the messengers of the tenants as some of the raiyats' representatives described themselves. Because I feel that the language does more harm to the cause both of the tenants as well as of the landlords than the rights of pre-emption, salami and enhancement put together. Sir, I have no quarrel with my friend Babu Jitendralal Bannerjee if he has moved this motion only to justify his connection with the Praja party or if he wants to see his name appearing in the morning newspapers with bold headlines as a saviour of the tenants of Bengal. I do not grudge him this pleasure.

Babu JITENDRALAL BANNERJEE: Thanks for the kindness.

Mr. BIJOY PRASAD SINGH ROY: But if he means business, I would certainly request the House and the Government to set their face against the proposal. As have been pointed out by Babu Satish Chandra Ray Chowdhury and the Raja Bahadur of Nashipur the amendment of the Bengal Tenancy Act was the result of a compromise. The landlords have sacrificed some of their rights and accepted some safeguards in return; the tenants have been given certain concessions and they have been called upon to make certain compulsory payments.

Mr. Bannerjee has described the Permanent Settlement as based on a serious misconception of historical facts. Sir, it might be so. I am not a historian and I do not venture to question the proposition. But certainly the Permanent Settlement as it stands is a good law and nobody has got the right to challenge it so long it is in the Statute book. Mr. Bannerjee's resolution recommends to the Government to do away with several safeguards enjoyed by the landlords under the Bengal Tenancy Act including the right of pre-emption. This safeguard is not a new thing. It is as old as the hills; in fact I find it mentioned in the original despatch of the Government of India, dated the 21st of March, 1884, in which the Government recommended a tenancy legislation to the Secretary of State. Pre-emption was considered as the only safeguard to landlord's interest if the rights of

transferability was to be conferred on the tenants as early as in the year 1884. The Bengal Tenancy (Amendment) Act of 1928 was the result of a long and mature deliberation; there was Sir John Kerr's special committee and two Select Committees, and they all came to the one and the same conclusion, viz., that if the right of transferability was to be conferred on the occupancy raiyats there must also be some safeguards to protect the rights of the landlords. These committees could not improve on what was suggested by the Government of India in the year 1884.

Sir, my friend Babu Jitendralal Bannerjee forgets the distinction between the occupancy raiyats and the raiyats at fixed rent. He suggests that the raiyats' rent should not be increased so long the landlords' revenue is fixed. When the Permanent Settlement was introduced the tenants were given exactly corresponding rights of the fixity of rent and they or their successors in interest still enjoy that privilege. Mr. Bannerjee ignores the fact that the predecessors of the present occupancy raiyats did not exist when only ¼ of Bengal was under cultivation in 1793 and the much maligned landlords spent their money and energy in bringing the remaining ¾ under cultivation. The landlords inducted tenants—the predecessors of the present occupancy raiyats—so they are now entitled to increase the rents when the tenants get higher profits. The increase of rent and the transfer fee which the landlords now claim are nothing but deferred rent. He would have got much higher rent for his land but for the future transfer fee and the right of enhancement which he had reserved to himself. In sub-clause 3 of Mr. Bannerjee's resolution he suggests that there should be no increase of rent under section 30 of the Bengal Tenancy Act. I venture to submit, Sir, that this provision about enhancement of rent is the most equitable one. There are three clauses of the section. Sub-section (*a*) lays down that where the rent paid by the tenant is below the prevailing rate of rent of the locality he should be asked to pay rent equal to that paid by other tenants in that locality, this is only fair and equitable why one tenant should pay less while others pay more. Under sub-clause (*b*) of the section the landlord is entitled to demand a share of the increased profit of the tenant on account of the rise in the price of the staple food crops. The landlords' share is not more than two to three annas in the rupee; so that 13 annas are left to the tenant and only 3 annas goes to the landlord. Everybody on earth expects higher return from investments, why should not the poor Bengal landlord who invested his hard-earned money in taking settlement or in reclaiming or in purchasing his estate. Sub-clause (*c*) of the section provides that the landlord will be entitled some increment of land when the fertility of the land is increased at the landlord's expense; can anything be more fair and just?

The zamindars took a great risk in accepting the Permanent Settlement. They were given 10 per cent. of the income from land and 90 per cent. was reserved to the Government. The result was that most of the big zamindary estates were sold within a few years of the Permanent Settlement. In support of this I shall quote from a very high authority. The immediate effect of the Settlement can best be described by quoting remarks on the subject of no less an authority than Sir John Campbell in the Administration Report of Bengal for the year 1872-73. He says:—

"There was widespread default in the payment of Government dues and extensive consequent sales of estate or parts of estate for recovery of arrears under the unbending system introduced in 1793. In 1796-97 lands bearing a total revenue of sikka rupees 14,18,756 were sold for arrears of revenue, and in 1797-98 the revenue lands so sold amounted to sikka rupees 22,74,076. By the end of the century the greater portion of the estates of Nadia, Rajshahi, Bishnupur and Dinajpur Rajas had been alienated. The Burdwan Estate was seriously crippled; and the Birbhum Zamindary was completely ruined. A host of smaller zamindars shared the same fate. In fact, it is scarcely too much to say that within the ten years that immediately followed the Permanent Settlement, a complete revolution took place in the constitution and ownership of the estate which formed the subject of the Settlement."

This, Sir, fully proves the effect of the Permanent Settlement and what risks the landlords undertook in accepting Settlement?

A VOICE: You beg the question.

Mr. BIJOY PRASAD SINGH ROY: But as I said I am not for quarrel. I am for peace. I beg of my friend Mr. J. L. Bannerjee and his supporters not to press for these amendments. The Bengal Tenancy Act was amended only one year ago, and however much one may say about the effects of the landlords' right of pre-emption, here I hold in my hand a copy of the reply given by the Hon'ble Member two days ago to certain questions on the point. The number of pre-emption cases is 705 in the whole of Bengal. Is that much? Does it show that the landlords of Bengal have abused the power which has been conferred on them? Does it not show on the other hand that they have respected the right of transfer of the tenants and only exercised their right of pre-emption when it was absolutely necessary otherwise not?

Sir, Mr. Syed Majid Bakah says that the law of pre-emption is a perfidious piece of legislation and the landlords are not getting what they ought to get. I of course could not follow exactly his logic. He suggested that the landlords should give up all rights because it was a perfidious piece of legislation.

Maulvi SYED MAJID BAKSH: I say I was speaking of the 20 per cent. salami and not of the right of pre-emption.

Mr. BIJOY PRASAD SINGH ROY: I am much obliged to him. He suggested that even 20 per cent. salami should be given up because it was a perfidious piece of legislation. There may be perfidy in one or two cases out of 100. Sir, is there any reason why the landlords should give up all their right because there is perfidy in a few cases? Sir I fail to appreciate the logic of my friend's argument. I beg of Mr. Bannerjee as well as his supporters not to try to reopen the class-warfare again. After much endeavour both parties were induced to accept a compromise and the reopening of the whole question will let loose all the powers of evil, and it will be neither for the good of the landlords nor of the tenants. But it may be for the good of the gentlemen who want to exploit the feelings of the tenants. With these words, I strongly oppose the resolution which has been moved.

Maulvi TAMIZUDDIN KHAN: In spite of the arresting eloquence and irrefutable logic of Mr. Bannerjee in support of his resolution I am quite certain about the fate of his resolution although Mr. Bannerjee is doubtful. In fact I cannot congratulate Mr. Bannerjee on his bringing forward this resolution in this House at this stage. Sagacious as he is he ought to read better the temper of the House. Everyone knows that the present House in its constitution is not very different from the House which about a year and a half ago rode roughshod over the rights and privileges of the tenants and it is hardly to be expected that this House will take a more reasonable view of the tenants' cause. Sir, it seems to me that the star of the landlords' good fortune is still on the ascendant, although the inevitable cloud, which must one day engulf it for good, is already visible in the distant horizon. The tenants must wait and I think they must wait long till they can expect any redress. They must wait till the days of universal adult franchise. It will be then and not till then that their rights will be recognised. It will be then that the cause of the poor, of the depressed will triumph and the landlord, the oppressor and the lazy receiver of unearned increments will go to the wall.

4 p.m.

Sir, it is common knowledge that during the discussion on the Bengal Tenancy (Amendment) Act certain proposals in furtherance of the interests of the tenants were turned down most unjustly. It has been said that the Bengal Tenancy (Amendment) Act has given many rights to the tenants. I for myself cannot subscribe to this view. What right has been given to the tenants? It is said that the right of free transfer of property has been given to tenants. But if one

oks at the inner side of the Act, if one looks at the actual working f the Act for the last 11 months, there cannot be any doubt as to ow adversely it has affected the interests of the tenants. If any one ays that that Act is an Act for the benefit of the tenants, then not nly do I disagree with him but I do say that that Act is in fact a veriable poison pill, with a coating of sugar administered to the tenants. Some of the tenants in their ignorance were satisfied with the Act, at irst, but the working of the Act during these 11 months has shown vhat it really is.

In opposing this resolution some of the members of this House have eferred to many things, about some of which I should like to say a ew words. It has been said that it was a compromise and it is not roper on the part of the tenants to raise up the discussion once more. I should like to know what sort of compromise it was and who were he parties to it. It seems to me that if it was compromise, it was ike the play of Hamlet without the Prince of Denmark, on the stage. I should say that the tenants were no party whatever in that so-called compromise of which some of the members have spoken.

Secondly, the exorbitant rate of landlord's transfer fee has been sought to be supported on the ground that the custom is in favour of the rate. Every one knows that custom is a thing which is always in favour of the strong and the unjust. Therefore, that is no ground. Why a thing which is unjust, in itself, continues a day longer? Why should the landlords get the fees for nothing they have done? There is no reason why the landlords should fall back upon the argument that it is supported by custom, and, therefore, it should continue for ever.

The third item of the resolution has been opposed and it seems that some of my friends have totally misunderstood the argument of Mr. Bannerjee and the language of the proviso itself when they say that it is not a logical provision. To my mind there is no other provision in the Act which is more unjust, than that which provides that the landlord's revenue should remain fixed in perpetuity and the poor tenants should be subjected to perpetual enhancement of rent. No argument is necessary to show the total injustice of a provision like this. Therefore, it seems to me surprising how some members of this House have been trying to support this provision. Some have said that it is in the interest of the tenants rather than in the interest of the landlords that they supported the present Bengal Tenancy (Amendment) Act. It will be better for the tenants as soon as they are saved from such false friends? The demand seems to be a modest one and I think this House will rise to the occasion and will at least try to do some justice to the poor tenants by accepting this resolution. If it is accepted, it will not mean that the landlords will be deprived from enhancing the rent for ever. The resolution does not say that the

tenant's rent should never be enhanced. It only says that if the landlord's revenue is to be fixed in perpetuity, why should not the tenant's rent also be fixed in perpetuity? Therefore, if this resolution be accepted, it will only mean the acceptance of the principle that the Bengal Tenancy (Amendment) Act is unjust in its provisions regarding the right of pre-emption, the exorbitant rate of landlord's transfer fee and the landlord's right of enhancement of rent while the landlord's revenue demand is never to be enhanced. If this view be accepted and if Government is pleased to bring forward an amending legislation, it will be open to the House then to review the whole situation and in this way I think some justice may be done to the poor tenants.

Khan Sahib Maulvi BAZLUL HUQ: Mr. President, Sir, I wholeheartedly support the resolution put forward by Mr. Bannerjee, requesting Government to immediately take steps for amendment of certain provisions regarding transfer fees, pre-emptions and enhancement of rent under section 30 of the Bengal Tenancy Act. Sir, the recent amendment of Bengal Tenancy Act has created a great sensation throughout the length and breadth of Bengal. Excepting a very small interested section whose number is very microscopic, the rest of the country are greatly surprised to find the inequitable provisions of the Act. They have been shocked to learn that most of their representatives in the Council played false with them and that they did not care to support the just cause of their constituencies but rather openly went against them for reasons best known to them. They never dreamt that they would lose the sympathy of the Government in supporting their just cause. It is called the Bengal Tenancy Act, but to all intent and purposes, it should be called Bengal Landlords Act. Most of the amended provisions of the Act are one-sided. From beginning to the end, with of course certain poor exceptions, here and there, it has most arbitrarily supported and created new rights for the mighty. The just rights and privileges of the poor tillers of the soil who form the great bulk of the nation, have been most ruthlessly trampled under foot, causing great dissatisfaction and hardship throughout the length and breadth of Bengal. The cultivating raiyats, 99 per cent. of whom have been most seriously affected by the provision of exorbitant rate of transfer fee and so on are often admitted to be the backbone of the nation, but unfortunately if the above provisions be allowed to remain, the poor tenants' backbone will be shattered to pieces. They are deaf and dumb multitude being always left at the tender mercy of their landlords, with them lies the real power though unfortunately they do not know how to best utilize them. Their fate would have been quite otherwise, if all of their representatives in the House would have supported their just cause. It is most unfortunate that the Government, the guardian angels of the weak

whose first and foremost duty is to save the weak and the helpless from the grasp of the mighty landlords, displayed such a lack of sympathy to the utter disappointment of the tenants. Like the father whose sympathy and support always goes with his disabled children Government ought to have spoused their cause and saved them from the exploitation of the exacting landlords. They ought not to have helped in constructing this engine of oppression.

Sir, just consider the pitiable conditions of the helpless tenants who have been rendered still more helpless after the passing of the Bengal Tenancy (Amendment) Act. Let us pause for a moment and consider what additional advantages have been created in favour of these unfortunate classes of people by the Act? Up will rise landlord's man at once and will plead that the right of transferability has been conferred by the new Act. This is a great boon given to them in limitation of the landlord's right. Now the question is, were not the holdings having rights of occupancy transferred since the passing of the Act in 1885? Did not the occupancy raiyats exercise the rights of transfer in extenso without payment of a single cowri as nazar? Just search the District Registrars' record-room and you will find thousands of documents executed and registered year after year, transferring occupancy rights by sale, gifts, mortgage and otherwise lying there. The right of transferability is the birth-right of the tenants just as Indian Swaraj is the birth-right of the Indians. The landlords have not the right to eject the occupancy raiyats, so long written contracts consistent with the provisions of the Act be not broken. The land will ever remain in his possession so long British Raj will continue to rule the country. It will descend to the heirs and successors in the same manner as other permanently settled properties of a propositus. Why then is the bar of non-transferability? The right of transferability has long been created by operation of usage. Nobody wanted that right at such a high premium a premium nowhere to be found in the civilized world. Either please reduce the amount of salami or take away the supposed right. Restore us to our former position. So long occupancy raiyats dealt with their holdings in any manner they liked; there was no bar to his subletting, there was no bar to his selling in part, there was no bar to his mortgaging in any form and so on. We do not want further right. For God's sake just save us from the exacting provisions of the Act. Save us from the most inequitable provisions of pre-emption and the like. The situation created by these provisions is most alarming to the tenant. The value of the land has considerably gone down. Nobody dare purchase lands for fear of the landlord who may exercise the right of pre-emption at the instance of his rival and defeated candidate and thus snatch away the land he purchased at enormous other costs, besides payment of nazar at the rate of 20 per cent. and payment of value of

the land. Pre-emption has brought with it costly litigation and endless strife which are the scourge of the people, and in principle must be avoided. Nobody will choose to plunge in litigations by purchasing an occupancy holding. The poor tenant now finds himself in a very helpless condition, he cannot raise money to meet his most urgent and unavoidable demands, even by mortgaging a land in usufructuary form. He cannot exchange his land with other lands without payment of nazar. I appeal to the benign Government, I appeal to my friends who are the representatives of the rural constituencies, I appeal to the representatives of the zamindars and finally I appeal to the professed saviour of the country—I mean—my Swarajist friends on the other side—to seriously consider the situation, created by the amended Bengal Tenancy Act.

Sir, what I am saying are facts. The records of the Registrars' Office are clear evidences. Just compare the figure of the last three quarters of the year 1929 with that of any of the previous years. I am sure you will be convinced that the Act has brought to the helpless and poor tillers of soil untold misery, hardships and inconvenience. If landlord can be satisfied with 2 per cent. nazar on the annual rent of a kaimidar, I do not find any reason why he will not be satisfied with 2 per cent. nazar on the value of the land in case of occupancy raiyats. Certainly the amount of nazar in the latter case will be much greater than the former. The occupancy raiyat's right in the matter of possession is nothing short of kaimi, as I observed above.

The amended Act has roused universal dissatisfaction and unpopularity, so much so that during the last election the voters on the very face of the candidates and their canvassors signified their unwillingness to exercise their right of franchise. According to them the reform has brought on them untold miseries and liabilities and restricted their rights and liberty and privileges and so on. Such is the feeling of the poor villagers. Regarding enhancement of rent I only wish the House to consider for a moment how much is paid by the landlord for a bigha of land and how much is paid by the raiyat. The landlords' rent remain unchanged and ever will remain so, but the poor tenants' rent is ever increasing—it has increased by leaps and bounds—will be going on increasing. Nobody knows when it will stop. What justification the landlords have in getting the poor cultivators' rent enhanced? I do not find any reason why the zamindars should get the liberty to feed upon the poor tillers of soil. The zamindars never spent a single pice for the improvement of the soil, not to speak of reclaiming waste lands. It is the tillers of the soil, who—careless of their health, careless of their comfort, careless of their taking timely meals, in season and out of season, in burning rays of the sun and heavy down-pour of rains—exerted their utmost to reclaim

their uncultivated lands by levelling the surface and by cutting jungles and taking all other necessary steps. They never hesitated to lay out their hard earned money for the purpose.

Sir, I can boldly assert without fear of contradiction that it is the cultivating raiyats and none else to whose indefatigable labours and exertions the soil of Bengal has become so rich and fertile. I can emphatically proclaim that not a single pice was spent by those who now claim enhancement of rent on the ground of rise of prices and so on. Surely it is not birth-right of the landlords. Justice and equity will not support such unearned right. Their rent will ever remain fixed in perpetuity but the poor tenants must pay enhancement of rent for the land they have brought under cultivation. This is surely ridiculous and a most unsupportable proposition. It has no leg to stand and should not be allowed to exist any longer.

With these few words, Sir, I beg to support the resolution put forward by Mr. Bannerjee, and I heartily congratulate him for bringing such a useful resolution to save the dumb multitude from oppression.

[At 4-15 p.m., the Council was adjourned for prayer and it reassembled at 4-25 p.m.]

4-25 p.m.

Babu KISHORI MOHAN CHAUDHURI: Sir, I am listening to the speeches made very patiently. I think this is an unseemly controversy. Mr. Bannerjee, the mover of this resolution, was in the Council when the amending Act was passed. I do not know whether he was in the Select Committee, but I heard that there was a compromise between the jotedars' party and the zamindars' party.

Babu JITENDRALAL BANNERJEE: May I rise to a point of order, Sir? May I remind my hon'ble friend that there was no Select Committee and no question of compromise.

Mr. PRESIDENT: Order, order. That is not a point of order at all.

Babu KISHORI MOHAN CHAUDHURI: This much I can say that several members said that there was a compromise between the two parties, whether there was or was not is beside the point. Mr. Bannerjee could move his first three points then and arrive at a decision if there was no compromise. As to his fourth point he suggests that there should be a change in the drafting as experience proved necessary but he has not shown how the drafting is defective. Practically he has raised the question as to who is the proprietor of

the soil and whether the tenants have the same rights as the superior landlords. This is a very important point. He thinks that the zamindars are not the proprietors of the soil and he has questioned their right of pre-emption. But he does not seem to realise that this is their only safeguard against being defrauded by the purchasers. They can demand certain enhancement under the Bengal Tenancy Act which was passed in the interests of the tenants, that right of interference was reserved in that very Act promulgating the Permanent Settlement for doing anything which circumstances might show necessary for the benefit of the tenants. There was a declaration to that effect. Under that declaration several attempts were made for doing something for the benefit of the tenants and some rights have been conceded by the several amending Acts. If Mr. Bannerjee is right in his theory that the zamindars are not the proprietors, then in that case he might say that the zamindars should get nothing, but if they are proprietors Mr. Bannerjee must admit that he has got nothing to say against them. Mr. Bijoy Prasad Singh Roy has shown that within a very few years of the granting of the Permanent Settlement the rights granted to several landlords could not be retained by them. Several transfers had taken place since and it may safely be said that at the present moment there are very few original zamindars. Practically the capitalists have invested their savings in the purchase of zamindaris under the protection of the Permanent Settlement and they have spent money for the improvement of their land. When the permanent rent was fixed by the Court of Directors it was understood that the grantees would spend money for the improvement of the estates, they would increase the produce thus helping in the development of commerce so that the State may be indirectly benefited. The zamindars were already there, they were not created by the Permanent Settlement. The only change that was made was that certain arrangements were made for fixing the revenue unalterable for ever. In place of the temporary settlement the Government of the time thought it proper to fix the revenue once for all so that the zamindars may have an opportunity of improving their lands. I believe Mr. Bannerjee knows it as he must have seen the disputes of the Court of Directors and the reports of the Government of India urging for the Permanent Settlement. Thus the zamindars were recognised as proprietors with fixed revenue. It is a historical fact, however, that under this Permanent Settlement very little margin was left for the zamindars to profit by and it is well known that many of the valuable properties of the Nator Raj had to be sold for the payment of revenue and that the Burdwan Raj had to enter into patni settlements to save the situation. Many of the zamindaris were sold and capitalists came into possession and under their able management the new purchasers succeeded in improving the lands and increasing the revenue. If they had improved

the land by spending money why should anybody say that they are not entitled to profit. The same thing can be said of the money-lenders. They begin with a capital of a few hundred rupees and after 15 or 20 years they get back 4 or 5 times of their money. The new purchasers reclaimed many waste lands within their zamindaris, brought in tenants from other places and thus increased their income and so they are entitled to that profit and it is not right for the other side to say that this was not fairly done.

I may be permitted to quote an extract from the minute of the 3rd February, 1790, of Lord Cornwallis:—

"The attention of Government ought to be directed to render the assessment upon the lands as little burdensome as possible: this is to be accomplished only by fixing it. The proprietor will then have some inducement to improve his lands; and as his profits will increase in proportion to his exertions he will gradually become better able to discharge the public revenue.

"By reserving the collection of the internal duties on commerce Government may at all times appropriate to itself a share of the accumulated wealth of its subjects without their being sensible of it. The burden will also be more equally distributed; at present the whole weight rests upon the landholders and cultivators of the soil."

This is how it was done. In Mr. Bannerjee's opinion it was a mistake. But there is also another side. The Government of the time did it deliberately. If the landlords now make some profit they are surely not to blame and it is not reasonable why they should now be deprived of their rights.

4-45 p.m.

Practically this is a controversy between two sets of capitalists. One set is the capitalist purchaser of permanent right and the other the purchaser of the jote right. But, Sir, not a word is heard for the poor raiyats who are to pay half share of their produce or almost the entire produce to their superior jotedars because the jotedars make an advance of their money for purchasing cattle. They take an advance for food grains for their maintenance during the cultivating season and when crops are gathered half the produce is taken as the legitimate share and the major portion of the other half is taken for the liquidation of debts or for the repayment of the advance. I have heard nothing about the cause of poor raiyats who are to pay half the share. Why should they pay half? Some time ago a draft was made originally for giving certain rights to the actual cultivators of the soil, but a hue and cry was raised against that provision and Government had to abandon that. I thought my friends ——

Babu JITENDRALAL BANNERJEE: Is this point in order, Sir?

Mr. PRESIDENT: Kishori Babu is beating about the bush to find for the raiyats a champion of his own choice.

Babu JITENDRALAL BANNERJEE: May I submit that I was stopped because my speech travelled beyond the scope of the resolution?

Mr. PRESIDENT: Order, order. Your case was altogether different.

Babu KISHORI MOHAN CHAUDHURI: My friend has been fighting for the occupancy raiyats and not for the cultivators of land. I see that it is not really a dispute on behalf of the poor raiyats, the actual tillers of the soil.

(At this stage the member reached his time limit but he was allowed by the Hon'ble the President a couple of minutes to finish).

However, this much I say that it is a dispute over a thing which should not be raised at this moment and I think my friends should not press for it and create a cleavage between tenants and zamindars. We have troubles enough of other sorts of communal disputes, etc., and no other communal disputes should be brought in, and I do not think my friend will create it in this way. If the permanent right is to be abolished let there be a special legislation on the subject. The zamindars are quite willing to part with their property if they get the proper price and make any settlement they like under new arrangements, but I think the way in which this question has been raised does not seem to be advisable and I hope my friend will withdraw it.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I think we have discussed the matter sufficiently and indeed discussed it threadbare; so I move that the question be now put.

The Hon'ble Sir PROVASH CHUNDER MITTER: If the question is put now then I would like to reply to the resolution at this stage. If, Sir, you think that the matter has been sufficiently discussed then I will ask your permission to reply now.

Mr. PRESIDENT: Do not invite my decision at this stage. If I pronounce it you may not have an opportunity to speak at all. It is better for you to speak now.

The Hon'ble Sir PROVASH CHUNDER MITTER: Before I begin to reply to the various questions raised by Mr. Bannerjee in his eloquent speech I will reply first of all to one query he made. He wanted to know what will be the attitude of Government in questions affecting landlords and tenants. Will Government agree to hold the scales even between the landlord and the tenant? To that query my answer is that Government in the past and Government as at present constituted will always try, subject to human limitations, to hold the scales even. Government have the advantage of the advice of some of the best friends of the tenants, namely, in the shape of those Settlement officers who serve Government and none can accuse that men like Messrs. McAlpin, Sachse and Jamieson, not to mention others, are not friends of the tenants. So Government have this advantage, of intimate knowledge of the raiyats' needs which I am afraid many of my friends who, actuated by mere sympathy for poor tenants advocate the raiyats' cause, have not. Having the opportunity of a more accurate knowledge of the raiyats' cause—I may here observe, that I would much rather not use the expression "tenant," for "tenant" is a very ambiguous term, for a patnidar who pays Rs. 30,000 as rent is a tenant—I may say that I personally have very little sympathy for those who want to have something for nothing but for those hard toilers of the soil, those who in spite of hard labour from morning to evening are by no means well off, I personally think that every right-minded member of this House should have every sympathy. Those who have invested money even if they do not work for a living are at any rate entitled to a fair return for their investment, but for those who by a trick of the law become tenure holders or, those who without investing anything become tenure holders and make something out of what should be the agriculturists' income, I for one have no sympathy. Sir, the final decision in these matters does not lie with me alone. It lies in the first place with Government as a whole and finally with the representatives of the people in this House. Having given that assurance I would proceed further to deal with some of the specific points raised by Mr. Jitendralal Bannerjee. I think that before I enter into general questions like whether the Permanent Settlement is beneficial to the province or not, whether the effect of the Permanent Settlement has been good for the landlord or good for the raiyat or for the tenure holder, I think I can occupy my time much more usefully if I take up first of all the specific points of the resolution.

The first point of his resolution is a recommendation to abolish the right of pre-emption granted to the immediate landlord under section 26F of the Bengal Tenancy Act. I may say at once that Government are aware that a good deal of feeling exists with regard to this question and the attitude of Government in this matter was expressed by the head of this Government in answer to an address of the Anjuman

of Mymensingh and I may quote a passage from the reply of His Excellency the Governor as indicating Government's attitude in this matter. His Excellency said this: "Government realized that the rule about pre-emption might be viewed with some misapprehension. It is admitted that some provision was necessary to prevent the landlord being defrauded of his customary fee by under-statement of the price. Pre-emption is intended to act as an automatic check on under-valuation, which will not come into operation at all so long as the price is fairly stated in the sale-deed. Without such a provision it would have been necessary to allow the landlord to appeal to the courts, if he thought a holding was under-valued in the sale-deed. This would have been worse for the raiyat than pre-emption. It is hoped that pre-emption will remain simply as a penalty in the background and will be rarely used, and I assure you that Government will watch its use very carefully." Let me also repeat the assurance, if such repetition were needed, that Government is watching the operation of the pre-emption law very carefully. We have collected figures, so far as is possible to collect them in the middle of the year, and it will interest the House—both the sympathisers with the raiyats as well as the sympathisers with the landlords if I shortly place the results of our enquiry before them. It will appear that from April to November, 1929, there were 69,053 sales under section 26B of the Bengal Tenancy Act. Out of these 69,053 sales application to exercise the right of pre-emption was made only in 3,131 sales, so that the percentage is 1·1. Of the total number of sales which have taken place of the interests of occupancy raiyats only in 1·1 per cent. case has any application been made to exercise the right of pre-emption, but there are other figures———

Babu JITENDRALAL BANNERJEE: May I request that the Hon'ble Member will repeat his figures?

The Hon'ble Sir PROVASH CHUNDER MITTER: I beg his pardon, I read a wrong figure. The figure "3,131" relates to the quantity of bighas sold for which right of pre-emption was exercised. The total number of applications to exercise the right of pre-emption was 705 and the total area is 3,131 bighas, 3 cottahs and 14 chitaks and the total amount of purchase money was Rs. 1,38,650-7-3 so that the average rate per bigha in the case of these transactions where the landlords exercised the right of pre-emption was Rs. 44. Well, I do not say that the low rate of Rs. 44 is conclusive to prove under-valuation but from our general information as to the value of land in various districts of Bengal, barring one or two, perhaps Jalpaiguri is one, where the rate per bigha may be low, the value of per bigha of raiyats' interest in land is certainly very much higher than Rs. 44. So far as this rate goes it is an indication towards under-valuation on

the part of the raiyats. The fact that only in 1·1 per cent. of the cases (i.e., 705 out of 69,053 cases) the right was exercised shows its sparing use and the low rate of Rs. 44 per bigha coupled with the small percentage of 1·1 is a further indication that the right is not being abused.

5 p.m.

So with this assurance assurance given by the head of the Government and repeated by me here on behalf of Government I hope my friend Mr. Jitendralal Bannerjee, and other friends, who sympathise with the raiyats and many of them undoubtedly feel strongly on the question of pre-emption would appreciate that they have no genuine cause for apprehension specially as we propose to go on with further investigations. I submit the period has been too short to come to definite conclusions as we got our figures only up to the end of November. The Bengal Tenancy (Amendment) Bill became law on the 1st April, 1930, and just after 10 months and 10 days to-day, at Mr. Bannerjee's instance, we are discussing the question of amending that amended Act. I submit, Sir, that if we see at least two years of the working of the Act, we may have a much fairer idea of the working of the rule of pre-emption. Now, Sir, I will not repeat the arguments which were given expression to on the floor of the House when the question of pre-emption was debated by the Council, but I would just remind both sides that this rule of pre-emption was the result of the advice given by Sir John Kerr's Committee. Sir John Kerr himself was a revenue officer of no mean repute, and he had also the assistance of revenue officers like Mr. McAlpin and Mr. Sachse. This was accepted in 1923, and was accepted both in the interest of the landlords and the tenants. If it had not been accepted, it would have meant in every case litigation, and a person with a larger purse has generally an advantage when there is litigation. Now, it is quite possible that a few rich landlords may misuse the right of pre-emption. So it is equally possible for two raiyats to combine the raiyat who wants to sell his property and the raiyat, or very often the mahajan who would be buying the property to under-value the property unless the automatic check of the right of pre-emption existed; there would then be nothing effective to prevent the seller stating the price of his land at, say, two rupees a bigha, and driving the landlord to litigation. This abuse on the part of the raiyat may not affect the rich zamindars very much for the rich zamindars have got regular machinery for setting the law in motion, but what about the fifty lakhs of poor tenure holders—many of whom after collecting, say, Rs. 20 retain only Rs. 5 as their profit—if their raiyats defraud them? Such a tenure holder, serving perhaps as a printer or a clerk in Dacca or Calcutta, cannot every time run first to his native home

and then to the Munsif's court to bring the raiyat to book. For the poor tenure holders this rule acts as a very good safeguard: the rich landlords may not want it to the same extent. But when it is a question between raiyats and the poor tenure holders, Government have to act very carefully. Therefore, I say that, if as a result of the working of the rule of pre-emption for two years, Government find as a result of the conduct of the landlord or of the raiyat acting oppressively or fraudulently on a large scale, that it requires revision, they will certainly look into the matter, and if need be, will not hesitate to have the clause revised.

Then, Sir, the next clause in Mr. Bannerjee's resolution is this: to reduce the amount of landlord's transfer fee from 20 per cent. to 2 per cent. in the cases referred to in clauses (*a*), (*b*) and (*d*) of section 26D, from 5 per cent. to ½ per cent. in the cases mentioned in clause (*c*), and from 10 per cent. to 1 per cent. in the case referred to in clause (*e*). In this connection Mr. Bannerjee referred to the figure given by my Hon'ble friend Mr. Marr in reply to a question put by Maulvi Tamizuddin Khan when he stated that the receipts for sale of general stamps had declined from Rs. 70,93,000 to Rs. 58,83,000, and in clause (*b*) of the answer my honourable colleague stated further that the fall had been the result of the amended Bengal Tenancy Act and also the dull conditions of trade. From these statements Mr. Bannerjee promptly drew the conclusion that this 20 per cent. landlords' transfer fee was at the root of all evil and was the effective cause of this fall. I admit, Sir, that according to our information some portion of the fall was undoubtedly due to the working of the Bengal Tenancy Act, but one principal reason of the fall was not the 20 per cent. salami but the changed provision regarding "complete usufructuary mortgage." Under the present amending Act these mortgages have been limited to 15 years, but that is not a question between the landlord and tenant, but one between the grasping mahajan, who is anxious to get the tenants' land and the raiyat. Mr. Sachse, who is now a Divisional Commissioner, and who as Revenue Secretary took a leading part in the framing of this Act, is of opinion that the fall is largely due to the provision about limiting the right of the usufructuary mortgagees to fifteen years. There is another reason for the fall in stamp receipts, and that reason is that many of the raiyats, knowing full well that they would have to pay 20 per cent. salami, registered their documents, after the 1st April, 1929, on which date the Act came into force and many of such documents purported to show as if they were really executed before the 1st of April. Well, Sir, whenever there is a change in law things like these happen. The unfamiliarity of the changed law may have for the first few months affected the position a little. Then, Sir, the fall was also due to the dull conditions of the trade, as pointed out by my Hon'ble friend Mr. Marr. Whatever the true cause of the fall in

receipts from stamps may be, if after two or three years' working we see that it is due to the operations of the Bengal Tenancy Act, we shall certainly look into the matter if not in the interests of the raiyat at any rate in the interest of public revenue. But, Sir, there is another side to the question. Even if it be assumed that as a result of this legislation the raiyats are not so freely parting with their ancestral acres as before, then certainly it must be presumed that the provision is to their benefit. If the raiyats are holding on to their ancestral acres more freely than in the past then surely all friends of the raiyats must rejoice, but it may be said that when the raiyat wants to sell he gets a lower price. This last mentioned point, however, opens out other avenues of enquiry. Then, Sir, we must consider how many of these transactions took place between raiyat and raiyat and how many between raiyat and mahajan, who after acquiring the rights of the raiyat would perhaps make him a little better than a serf by rack-renting and, if not the same raiyat but some other raiyat. Furthermore, the wily mahajan or the dishonest landlord would have enough means of evading the law by putting up the rate of interest or by preparing a statement of account and so on. Does it follow, therefore, that the raiyat necessarily and really gets a better price? If the raiyat does not part with his land the balance of benefit will certainly lie with him as he will be able to go on cultivating his land, not on a rack-rent but on the old rent, which he has been paying and his fathers have been paying. Sir, we in Government cannot say now how far this loss of Rs. 12 lakhs from stamps is due to the operation of the Bengal Tenancy Act and how far it is due to the general depression of trade. If any portion of the loss is due to the operation of the Bengal Tenancy Act, we shall have to see how far it is due to the provision of usufructuary mortgage and how far to the decrease in the number of transactions about sale of raiyati holdings. From information received from the Registration Department we find that in many cases the *amlas* of the zamindars are against the automatic provisions embodied in the Act, as these provisions act against their self-interest. In any case, I can assure my hon'ble friend that we shall watch the operation of this clause with great care, but I may tell him that from the experience of these few months, we have no cause to think that it is working harshly or unjustly either to the tenant or to the landlord.

Now, Sir, my friend Mr. Bannerjee and some of my other friends, who are sympathisers of the raiyats, said that the percentage should not be 20 but less, because the raiyat ought to have the right to transfer his holding as best as he can, and Mr. Majid Baksh, I believe, or some other member, had a quarrel with Mr. Bannerjee, urging that Mr. Bannerjee was wrong in suggesting any percentage to the landlord but that he should have said that the raiyat should be entitled to sell his holding without paying anything. My answer is that this 20 per cent. had been the result of close examination for many years. First

of all there were materials available to Government in the record-of-rights in the various districts of Bengal, and I may remind the House, in passing, that when the High Court about the year 1913 wrote to Government pointing out the desirability of passing a law on the subject of the transfer of raiyats' rights, Government deferred coming to a decision till records-of-rights were prepared in a number of districts. It was after the records-of-rights were prepared in a number of districts that Sir John Kerr's Committee was constituted as a result of the resolution moved by Babu Vishmadeb Das, who, I am glad to see, is trying to come to the Council as a representative of the raiyats, and the net result was that that committee reported that 25 per cent. was in many places the usual custom and that in some cases it was even more than 25 per cent, or even a higher rate of rent.

5-15 p.m.

In the district from which Maulvi Abdul Hakim comes, according to the settlement report of Mr. Sachse, it is sometimes very much more than 25 per cent. However, that may be the Government Bill originally proposed 25 per cent. and on the floor of the House as a result of various previous negotiations between the different groups, it was reduced to 20 per cent. I am referring to it as there are many new members. As a part of the negotiations the landlords gave up all rights to trees including timber trees. Whether in coming to this arrangement they were right or wrong, it is not for me to say. It will always be open to the members to reopen the question just as it is open to Government to reopen the question. Government is trying to hold the scales even between the landlords and the tenants and this the Government will do on broad grounds of justice and fair play irrespective of other considerations, irrespective of any question of motive for if motive were to be taken into consideration, surely then Government will have every motive of favouring the raiyats if not for any other reason for the reason of their numerical strength and also because they are to be the "masters" of to-morrow. Let us not forget that in doing justice to the poor, it is not a question of having something for nothing. The man who wants something for nothing does not deserve any sympathy as compared with the man who gets something after paying for that something or labouring for that something. Therefore it is a question which when the proper time comes will have to be examined, but surely not within 10 months and 10 days after the last decision.

Sir, the third point of my friend's resolution is to provide that landlords shall not exercise the right to enhance the rate of rent under section 30 of the Act so long as their own revenue remains fixed under the Permanent Settlement. The arguments put forward by

Mr. Jitendralal Bannerjee—at least one of the arguments was a very plausible one and that argument is that if the zamindars—I am saying zamindars deliberately although my friend says "landlords" are paying the same amount of rent as their revenue, why should the agriculturists pay more? I will put the question to Mr. Bannerjee and other friends of his that if Government accepts his suggestion after enquiry, will he agree that the agriculturists as soon as he sublets his land will forfeit his tenancy? Will he agree to a statutory provision of that character? He should remember that the curse of rural Bengal to-day is the excessive amount of subinfeudation owing to which fragmentary interests in different stages are created and which often result in depriving the actual agriculturist or the proprietor of profits which should belong to the one or the other. If I may mention that most of the tenures, specially the smaller ones, are the result of the raiyat making himself a middleman. The figure given by Mr. Bannerjee about the rent roll of permanently settled areas being 16 crores is not correct. He no doubt took that figure from a certain Appendix to the Land Revenue Administration Report. He will, however, pardon me for saying that he has handled the figure wrongly. I do not want to go into an examination of his error, but I can conclusively show him, if he would care to discuss with me, that he has handled it wrongly, but I do not want to waste the time of the Council by going into the question. The real figure will be about 6 to 7 crores, out of which about 2 crores 16 lakhs is land revenue. After paying for cesses, collection—the permanently settled—charges, litigation charges, etc., a certain amount remains which is divided amongst less than one lakh of proprietors and more than 50 lakhs tenure-holders. Simple arithmetic will tell us that the average income of a land-holding unit is Rs. 6 to Rs. 7 a year. I do not ask the House to come to any conclusion on this question beyond saying that this plausible argument of Mr. Bannerjee falls to the ground unless he can also agree that if the raiyats' rent be not enhanced he will not convert himself into a middleman. Of the landlords in Bengal, less than a lakh out of the 50 lakhs are proprietors. A small percentage of the proprietors may be comparatively well-to-do but what about the 49 lakhs of poor tenure-holders? They are paying much enhanced rents. What about the subinfeudation of the enormous number of 49 lakhs amongst whom the income is frittered away in very small sums? Perhaps 99 per cent. of the tenure-holders are the creation of the raiyats. Take a raiyat who has made a little money either by money-lending or hard work, he wants to make a gentleman of his son, he has more lands than he can cultivate himself and as he increases his holdings, he converts himself into a tenure-holder. Let landlords and tenants, every one interested in the future welfare of Bengal, try to get rid of this state of things and the prosperity of the raiyat will increase considerably without very much affecting the

proprietors. There is no doubt, however, that it will to some extent seriously affect the prosperity of the landlords who are very small tenure-holders.

(At this stage the Hon'ble Member reached the time-limit).

Mr. PRESIDENT: Sir Provash, your time is up.

The Hon'ble Sir PROVASH CHUNDER MITTER: I want a minute or two to enable me to reply to the mover's points.

Mr. PRESIDENT: Very well, Sir Provash.

The Hon'ble Sir PROVASH CHUNDER MITTER: Now, Sir, with regard to clause (*iv*) of the resolution, viz., to make such changes in drafting and procedure as experience of the working of the Act has proved to be necessary, I may state that I have already introduced a Bill for providing some changes in procedure. I am glad to state that only on Saturday last in a meeting of the Select Committee on the Tenancy (Amendment) Bill, of which more than two-thirds were the representatives of the raiyats, we could come to an unanimous conclusion. It is not, however, possible to make changes in procedure constantly. My friend has referred to experience, and we must take time to gather experience. Therefore, I suggest to my friend Mr. Bannerjee and his friends here that in view of the line taken by me, in view of the assurance given by the head of the Government and by me on behalf of the Government about the much debated problem of pre-emption, that he should withdraw the resolution to-day. If he presses it, it may either be passed or lost, but it does not advance his object much. On the other hand, if he withdraws it now, it will be open to him, say 3 or 6 months hence, to bring it up. Whether he loses or wins does not make in point of fact any difference. It will make the position of Government easier if we could write on a clean slate and not handicapped by the result of this resolution either passed or rejected.

Maulvi ABDUL KARIM: May I move that the question be now put?

Mr. PRESIDENT: The mover of the resolution has the right of reply. I do not know if he intends to exercise that right. I may remind him that we have only seven minutes left. I shall adjourn the Council at 5-30.

Babu JITENDRALAL BANNERJEE: Mr. President, Sir, my resolution has at least had a good effect; it has drawn a full and clear, and within certain limitations a very satisfactory, statement from the

Hon'ble Member in charge of the Revenue Department and I am thankful to him for the assurance that he has given on behalf of himself and also of the head of the Government. I myself know perfectly well that he had not had sufficient time for the purpose of watching the results of the pre-emption matter: but, at the same time I thought within myself that the matter would be dropped unless we cried like the watchman of the night. Let the Bengal Government deal with the question sympathetically. I am sorry to find that notwithstanding the general sympathetic character of his reply, he has dragged once again the wonderful inspiration about there having been any compromise on the floor of the House on the question of salami. That is absolutely an inaccurate and a misleading statement of facts. There might have been some compromise on other questions. I find my friend Mr. Guha is shaking his head: but notwithstanding his doing so, I must say———

The Hon'ble Sir PROVASH CHUNDER MITTER: May I rise on a point of personal explanation? If I said "on the floor of the House," I was certainly wrong. Negotiations were certainly held in the lobby and elsewhere.

Babu JITENDRALAL BANNERJEE: Whether in the lobby or inside the Chamber there were no negotiations in the sense the Hon'ble Member used the term. Certain negotiations were held between the Government, the zamindars and the Swaraj party all of them sailing in the same boat. No negotiations between the zamindars' party and the Government on one side and the tenants' representatives on the other were held I speak of course subject to correction.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, I rise again on a point of personal explanation. I personally held negotiations with many Muhammadan members who represented the tenants, viz., Sir Abdur Rahim, Khan Bahadur Azizul Haque and Mr. Fazl-ul Huq my friend Mr. Bannerjee was not however amongst them.

Babu JITENDRALAL BANNERJEE: Sir, may I ask the Hon'ble Sir Provash whether the figure of 20 per cent. arrived at as a result of compromise? It is a fact that the tenants' representatives never agreed on the point, though they might have agreed on other points. Then, what is the point of saying that this figure was arrived at as a result of negotiations. There were negotiations which led to no conclusions. The tenants' representatives never agreed to accept 20 per cent. as the figure. Therefore I say that it is a misleading statement on the part of the Hon'ble Member————

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, I am again compelled to rise on a point of personal explanation. I can vouch for the fact that a majority of the members, including many tenants' representatives, agreed to this and as a result of this some of them refrained from voting.

Babu JITENDRALAL BANNERJEE: Not 20 per cent.

Mr. P. N. GUHA: Mr. James was arbitrator from the European group.

Babu JITENDRALAL BANNERJEE: I would ask my friend Mr. Guha to look up the dictionary to see what "arbitrator" means and he will find that by no possible stretch of the term the word "arbitrator" can be used. I say again that the tenants' representatives, or a majority of them, never agreed to this percentage. It seems that the Hon'ble Member's memory has badly slipped and played him false. I would call on Khan Bahadur Azizul Haque to confirm what I have said. My memory seldom plays me false, though it may, like Sir Provash's, some years hence. As I was saying, Sir, the tenants' representatives did not agree to accept 20 per cent. Therefore, I am sorry that Sir Provash should have dragged up the question. Whatever that may be, he has promised that this question will receive consideration and I accept his promise at its face value.

Khan Bahadur Maulvi AZIZUL HAQUE: May I rise on a point of personal explanation? In the negotiations the Swarajists were not willing to accept less than 20 per cent.

Babu JITENDRALAL BANNERJEE: Whether I was on the spot or not, I know a good deal about the negotiations.

My friend, Mr. Bijoy Prasad Singh Roy rose to have a laugh at my expense. I pitied him because his attempt was a pitiful failure: but more than pitying him I rejoice at the speech he delivered, because in that speech he made certain admissions which went against his own interests and everyone of them will fortify the arguments I wish to substantiate before this House. At the time of the Permanent Settlement the zamindars' profit was 10 per cent. But what is the figure now? The zamindars' profit now works out at the figure 75 per cent. From 10 per cent. to 75 per cent., it is certainly a big jump and how would my zamindar friends justify this big jump? Is not the whole of this an unearned increment? Then, my friend Mr. Singh Roy said that as a result of the operations of the Permanent Settlement, the old zamindary houses, all of them came to an end.

Mr. BIJOY PRASAD SINGH ROY: Ten or fifteen of them.

Babu JITENDRALAL BANNERJEE: Quite so. What is the good of the sentimental appeal of which we frequently hear about the ancient landed aristocracy with its roots stuck deep in the soil? What about the present zamindars? According to my friend's own admission, the present zamindars are a mushroom race—the descendants of the peshkars, the collectors of revenue and the tahsildars of the 18th century and the talk of the ancient landed aristocracy with its roots stuck deep in the soil is a mere myth. As against his indictment of the Permanent Settlement as bringing about the ruin of the landlords, I have got something to say about the tenants. It was Henry Colebrook, than whom there was no better authority on the subject, who said that within 12 years of the Permanent Settlement the ancient and memorable rights of raiyats were all going to be obliterated———

Mr. PRESIDENT: Order, order. I must adjourn the Council now, unless Mr. Bannerjee decides not to proceed any further and wishes the question to be put forthwith.

Babu JITENDRALAL BANNERJEE: As my friends desire that the discussion should be carried over to the next day I shall finish my speech to-morrow.

Mr. PRESIDENT: Very well. I adjourn the Council till 2-30 p.m. to-morrow.

Adjournment.

The Council was then adjourned till 2-30 p.m., on Tuesday, the 11th February, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 11th February, 1930, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 79 nominated and elected members.

Oath or affirmation.

The following member made an oath or affirmation of his allegiance to the Crown:—

Mr. B. C. Chatterjee.

Starred Questions

(to which oral answers were given.)

Registration of "kabalas" of properties sold as "mokarari."

*47. **Maulvi HASSAN ALI:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether there are any Government circular orders to the effect that the Sub-Registrars shall not register any deed of transfer in which the tenancy sold is described as *mokarari* (fixed rent or rate of rent) unless and until the executants can produce at least twenty years' *dakhilas* or rent receipts at a uniform rate of rent?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state whether he is aware that in some places of Bengal the registering officers have been refusing registration of *kabalas* describing the properties sold as *mokarari*, in the absence of twenty years' rent receipts showing a continuity in the uniformity of rent for the same period?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) No.

(*b*) No.

Appointment of [illegible] District Board, [illegible].

***48. Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that there is a feeling of disappointment amongst the Muhammadan and Hindu public of the Mymensingh district over the appointment of the Chairman of the district board?

(*b*) Will the Hon'ble Minister be pleased to state whether it is the intention of the Government to follow the policy of appointment in future?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for the same?

(*d*) Is the Hon'ble Minister aware that a representation by the majority of the members of the district board had been submitted to the Government, previous to the appointment of the Chairman, praying that the said board should be allowed to elect its Chairman?

(*e*) Will the Hon'ble Minister be pleased to state whether any reply was given to the said representation?

(*f*) If the answer to (*e*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*) No.

(*b*) The matter will be considered in due course.

(*c*) Does not arise.

(*d*) No, unless the member refers to an unsigned telegram, dated 31st May, 1929.

(*e*) No.

(*f*) As the telegram was unsigned and not confirmed formally by any official communication, no notice of it could be taken.

Maulvi NUR RAHMAN KHAN EUSUFJI: Will the Hon'ble Minister be pleased to state whether the resignation of Khan Bahadur Maulvi Mahomed Ismail was forced upon him by Government?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: He resigned and his resignation was accepted by Government.

Maulvi NUR RAHMAN KHAN EUSUFJI: Will the Hon'ble Minister be pleased to state what were the reasons which led to the resignation of the Khan Bahadur?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I think the member should address his question to the Khan Bahadur himself.

Mr. PRESIDENT: I do not quite follow the Hon'ble Minister.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The reason for his resignation should be inquired of the Khan Bahadur.

Maulvi ABUL KASEM: Will the Hon'ble Minister be pleased to state if it is a fact that pressure was brought to bear upon the Khan Bahadur to tender his resignation?

Mr. PRESIDENT: That has already been answered.

Maulvi SHAMSUDDIN AHMED: Is the Government aware of any reason for his resignation?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Government are not prepared to make any statement in the matter.

Maulvi SHAMSUDDIN AHMED: Did the Government make any inquiry?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Government are not prepared to make any further statement in the matter.

Maulvi SHAMSUDDIN AHMED: Does the Government consider it its duty to inquire into the matter?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The matter will be considered.

Maulvi ABUL KASEM: On a point of order, Sir. When the question was asked whether pressure was brought to bear upon the Khan Bahadur to tender his resignation, the answer given by the Hon'ble Minister was that the Khan Bahadur had resigned, and his resignation was accepted. I want to say that this is absolutely no answer to the question.

Mr. PRESIDENT: This point of order was raised on the floor of the House several times before, and I made it absolutely clear that it was not possible for the Chair to compel a Member of the Government to answer a question in a particular way, but if I were to give my opinion in regard to the answer now given, I think I should say that the answer is not illuminating, far less complete.

A MEMBER: But the rules expressly provide that answers to questions are compulsory.

Mr. PRESIDENT: Order, order; that is not so.

Suggestion for a flag station near the Daulatpur College on Eastern Bengal Railway, Central Section.

*48. **Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware that a large number of students travel from Khulna to Daulatpur as daily passengers to attend their classes at the Daulatpur College?

(*b*) Is the Hon'ble Member also aware that the distance between the Daulatpur station and the Daulatpur College is about one mile?

(*c*) Is the Hon'ble Member also aware that some students every now and then get down or attempt to get down near the College to save time and trouble at a considerable risk of their lives?

(*d*) Are the Government considering the desirability of asking the Railway authorities to erect a flag station near the Daulatpur College for the safety and convenience of the students?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) No.

(*b*) Yes.

(*c*) No.

(*d*) The attention of the Railway authorities will be drawn to the subject matter of the question.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state the probable time when the attention of the Railway authorities will be drawn to this matter?

The Hon'ble Mr. A. MARR: At once.

Faridpur railway station.

*50. **Maulvi TAMIZUDDIN KHAN:** (*a*) With reference to the reply given to starred question No. 46 on the 20th February, 1929, will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether the decision of the Railway authorities to construct the Faridpur railway station on a new site has been altered?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state—

(*i*) which site has been selected for the purpose; and

(*ii*) whether money is being provided this year for the construction of the station on a new site as indicated in the answer referred to?

The Hon'ble Mr. A. MARR: (*a*) The decision to construct a new railway station has not been altered.

(*b*) (*i*) The location of the new station has not yet been definitely settled.

(*ii*) Necessary funds were provided by the Railway authorities for the purpose during 1930-31, but owing to financial circumstances it will not be possible to incur this expenditure at present.

Khan Bahadur Maulvi ALIMUZZAMAN CHAUDHURI: Will the Hon'ble Member be pleased to state how long it will take to settle the location of the site?

The Hon'ble Mr. A. MARR: It is impossible for me to say; that is a matter for the Railway authorities.

Faridpur-Madaripur-Barisal Railway project.

*51. **Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether the scheme for railway extension from Faridpur to Madaripur *via* Bhanga has been abandoned?

(*b*) If not, what action is being taken to give effect to the project?

The Hon'ble Mr. A. MARR: (*a*) The scheme has not been definitely abandoned.

(*b*) The proposals for railway extensions in the Faridpur and Bakarganj districts are under investigation by the authorities of the Eastern Bengal Railway.

Mr. P. N. CUHA: Will the Hon'ble Member be pleased to state whether the Railway Board ordered a survey of this line and operations were actually begun but subsequently given up?

The Hon'ble Mr. A. MARR: Does the Hon'ble Member mean the Faridpur-Charmaguria line? If so, so far as I remember, that is so; the Railway authorities abandoned it subsequently.

Maulvi SHAMSUDDIN AHMED: Will the Hon'ble Member be pleased to state the exact shape of the scheme at present?

The Hon'ble Mr. A. MARR: I have said, Sir, that these proposals are under investigation by the authorities of the Eastern Bengal Railway.

Unstarred Questions

(answers to which were laid on the table).

State scholarship open to teachers.

48. Maulvi MUHAMMAD FAZLULLAH: Will the Hon'ble Minister in charge of the Education Department be pleased to state how many teachers have up till now been selected for the State scholarship open to teachers—

(*i*) from the Government schools;

(*ii*) from the aided and unaided schools;

(*iii*) how many teachers have been called for interview this year; and

(*iv*) how many of them have been selected or are likely to be selected?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*i*) Ten.

(*ii*) Nil.

(*iii*) Eight.

(*iv*) None have yet been selected; two probably will be.

Mymensingh district partition scheme.

49. Maulvi ABDUL HAMID SHAH: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing the total area of land acquired by Government in different places of the district of Mymensingh in connection with the abandoned district partition scheme?

(*b*) In what condition has the said land been left since acquisition?

(*c*) What income, if any, has Government made out of the land thus acquired?

MEMBER in charge of REVENUE DEPARTMENT (The Hon'ble Sir Provash Chunder Mitter): (*a*) (*1*) Land acquired for Kishoreganj district headquarters—135·151 acres. Land acquired for brickfield—38·11 acres.

(*2*) Land acquired for Bazitpur subdivisional headquarters—59·992 acres. Land acquired for brickfield—8·264 acres.

(*3*) Land acquired for Itna Rural Magistracy—24·240 acres. Land acquired for brickfield—5·25 acres.

(*4*) 34·669 acres of land were acquired for Iswarganj subdivisional headquarters. The cost was met by Babu Brojendra Kishore Ray Chaudhuri, Zamindar of Gouripur, to whom the land has been made over.

(*5*) Land acquired for Jamalpur district headquarters—374·027 acres. Land acquired for brickfield—39·89 acres.

(*6*) Land acquired for Dhanbari subdivisional headquarters—55·834 acres. Land acquired for brickfield—5·95 acres.

(*b*) Some lands are lying fallow and the rest have been let out on temporary leases which provide for ejectment on notice.

(*c*) The annual rent received by Government from the leased out land is Rs. 5,427.

Maulvi ABDUL HAMID SHAH: In connection with answer (4), will the Hon'ble Member be pleased to state whether the original owners of the land paid the cost of acquisition?

The Hon'ble Sir PROVASH CHUNDER MITTER: Perhaps the member is under a misapprehension. The acquisition was first made for public purposes; it was made at Government expense and not with the money paid by the zamindar. The cost was subsequently met by Babu Brojendra Kishore Ray Chaudhuri, zamindar of Gouripur, when the land which was no longer necessary for Government purposes was handed over to him.

Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member be pleased to state if the acquired lands will be made over to the original owners in payment of the cost of the original acquisition?

The Hon'ble Sir PROVASH CHUNDER MITTER: If an application is made, it will be considered on its own merits.

Road cess obtained in different thanas of Murshidabad.

88. Mr. ARUN CHANDRA SINGHA: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing for the last ten years—

(*i*) the incidence of road cess obtained in different thanas of Murshidabad;

(*ii*) the amount realised from each thana; and

(*iii*) the amount spent for the construction and maintenance of roads in each thana?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The road cess is levied on estates sometimes extending over several thanas and so no figures are available thana by thana.

2-45 p.m.

RESOLUTIONS

(on matters of general public interest.)

[The discussion on the resolution regarding the proposal to amend the Bengal Tenancy Law was then resumed.]

Babu JITENDRALAL BANNERJEE: Sir, continuing my reply of yesterday, I shall first of all refer to certain points which I omitted to notice in the speech of the Hon'ble Member. The Hon'ble Member gave 705 as the number of pre-emption cases; I quite agree with him that the number is not large and that the operation of this particular clause requires further watching. But at the same time I would ask him to remember that the mere figure of cases is not absolutely conclusive. The question is, not how many cases were instituted, but whether they were or were not instituted as a lever of oppression for the purpose of ousting bona fide tenants and getting khas possession by the zamindars. That is the criterion to be applied and not simply the number of cases actually instituted.

On the point of salami, the Hon'ble Member seemed to imply that the drop in the number of sale transactions as indicated by the drop of registration revenue might not be a matter of regret: it might indicate a reduction in sales, not between bona fide agriculturists, not between tenant and tenant, but between tenant and mahajan. May I remind my hon'ble friend that the sale transactions between agriculturists and mahajans would not be affected at all or would not be affected appreciably by the question of excessive salami. The mahajan would always be able to meet the demand for enhanced salami, or would deduct it from the purchase price; it is the bona fide agriculturist who

would suffer. Whatever shrinkage has occurred, therefore, is sure to have occurred in the number of transactions between bona fide agriculturists. That is a point to which I hope the Hon'ble Member will pay attention.

My friend, Babu Satish Chandra Ray Chowdhuri, whom I must congratulate on the very able and lucid manner in which he presented the zamindar's point of view to us yesterday, used a rather striking metaphor when he said that the zamindars acted as buffers between the Government on the one hand and the people on the other, and that they received kicks from both parties and sixpences from neither. But I should like to remind him that if they act as buffers, it is a position of their own seeking; nobody has thrust it upon them. If the position is uncomfortable, why should not they wriggle out of it as best as they may? The sooner they remove themselves from this uncomfortable position, the better for them and the country at large.

My friend Mr. Chowdhuri asked me again and again to remember the middle classes who would be specially hit, if my proposal was carried out. I am not particularly interested as to which party is hit, or which party will gain. What I want is that the contention must be settled on the eternal principles of justice, equity, fair play, and ancient and immemorial usage. The middle class, after all, is my own class; I do not wish that they should suffer; but what I urge most of all is that justice must be done to the class from whom justice has been long withheld.

Babu Kishori Mohan Chaudhuri makes it a complaint that I have not brought a resolution on behalf of the adhiars. Well, I do not stand in his way; he can bring in any such resolution if he likes. Why should he expect that everything should be done by us? And why should he take advantage of this kind of debate to say that we are advocating the cause of the capitalist raiyats? After all, Sir, even capitalist raiyats have some kind of right which requires to be protected and safeguarded.

Mr. Bijoy Prasad Singh Roy asked me sarcastically whether I wanted to justify my connection with the Praja party. Sir, my connection with the Praja party does not stand in need of any justification; it is nothing to be ashamed of; rather, my position in the Praja party is a matter of pride and privilege to me. But it is wrong to suppose that my allegiance is due to the Praja party primarily. My allegiance is due first, and foremost, and all the time, to the great tenant community of the district from which I come, and which, in the face of great odds and in spite of the combined opposition of the Congress and of landlords, have done me the honour of sending me here again. I shall consider my life's work fulfilled and my life's hopes gratified,

if I can discharge even a fraction of the obligation under which I, in common with all my countrymen, lie to the raiyats of Bengal.

With these words, I commend my resolution to the acceptance of the House.

The motion of Babu Jitendralal Bannerjee was put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Bahak, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basiruddin, Maulvi Mohammed.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Ashraluddin.
Choudhury, Maulvi Nural Absar.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Eusufji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Sazlul.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Lal Muhammad, Haji.
Rahoem, Mr. A.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur-
Rout, Babu Hemeni.
Samad, Maulvi Abdus.
Shah, Maulvi Abdul Hamid.

NOES.

Ali, Mr. Altaf.
Basu, Babu Jatindra Nath.
Cassells, Mr. A.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Nafzur Rahman.
Cohen, Mr. D. J.
Cooper, Mr. C. C.
Dain, Mr. G. R.
Dash, Mr. A. J.
Easson, Mr. G. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Sahib Sasi Kumar.
Ghosh, Mr. M. G.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gurner, Mr. G. W.
Hogg, Mr. G. P.
Hutchings, Mr. R. H.
Jack, Mr. J.
Khan, Mr. Razaur Rahman.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder
Moberly, the Hon'ble Mr. A. H.
Mukharji, Rai Bahadur Satish Chandra.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Prentice, Mr. W. D. R.
Raikat, Mr. Prasanna Deb.
Ray Chowdhury, Babu Satish Chandra.
Ray, the Hon'ble Kumar Sibh Shekhareswar.
Rees, Mr. C. F.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Rushforth, Mr. F. V.
Sahaun, Babu Satya Kinkar.
Sarkar, Sir Jadunath.
Skinner, Mr. E. A.
Singha, Mr. Arun Chandra.
Stapleton, Mr. H. E.
Tate, Major General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 29, and the Noes 50, the motion was lost.

3 p.m.

The following resolutions were called but not moved and therefore deemed to be withdrawn:—

Mr. BIJOY PRASAD SINGH ROY: "This Council recommends to the Government—

(i) that a committee with non-official majority be forthwith appointed to inquire into the method adopted by the cess-revaluation officers of Bengal in ascertaining the annual value of lands under the Cess Act, 1880 (Bengal Act IX of 1880), and to report whether the said method is in accordance with the existing law and what changes, if any, should be made in the Cess Act, 1880, with a view to remove all sources of anomaly in the system of assessment and to make the law suitable to the present economic condition of the country; and

(ii) that pending the above inquiry further proceedings in the matter of re-valuation be stayed."

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: "This Council recommends to the Government that early steps be taken to introduce a Bill on the revenue assessment of temporarily settled estates of Bengal to embody in the law the main principles by which the land revenue is determined, the methods of valuation, the maximum of assessment, the periods of revision, and the graduation of enhancements, on the lines of recently introduced United Provinces, Madras and Punjab Bills on the subject."

Proposal for the partition of Mymensingh.

Maulvi ABDUL HAMID SHAH: I beg to move that this Council recommends to the Government that the scheme to partition the district of Mymensingh be now renewed.

Sir, the subject-matter of the resolution that I have the privilege of placing before the House has a long long history. No administrative question has so long been under the consideration of the Government as that of the partition of Mymensingh district.

Sir, it has been admitted long ago on all hands—both official and non-official—that the huge size of Mymensingh district, its geographical peculiarities and its teeming population militates against its efficient administration. In addition to these widespread economic discontent which stimulated by racial feeling and defective education tend to produce serious administrative difficulties. This district is the biggest in India and covers an area of 6,250 square miles and has a population

of fifty lakhs. It has five subdivisions of which the area varies from 1,822 square miles to 985 square miles and the population of each of them exceeds that of entire districts like Bogra, Malda, Hooghly, Howrah, Bankura and Jalpaiguri and Dinajpur. The European members of this House will be interested to know that the population of this district is equal to that of some European countries as Denmark, Norway and Bulgaria. Communication in this district is precarious and scanty. Peculiar geographical conditions stand in the way of improving it. Large area in the south-eastern part of the district is covered with swamps which in the rains are converted into large stretches of water and is popularly known as the sea area. Journey from Calcutta to Bombay or Peshawar takes much less time than is required for travelling from the easternmost part of the district to its westernmost village. The jungles of Madhupur stands as an insuperable barrier between these two sharply divided parts of this district and it is surprising to know that during this long period of political amalgamation there has taken place very few cases of social intercourse between the people of Kishoreganj and Tangail or Jamalpur.

The increase in the official work of Mymensingh during the last ten years is striking and the control of such extraordinary district organisation is beyond the power of a single officer however competent he is. Executive officers of this district by the force of circumstances and through no fault of their own are less in touch with the people than elsewhere. The District Judge is seldom able to visit the outlying courts and he has to rely on four or more additional Judges to deal with the appeals and sessions cases, and I am sure, that my official friends in this House, Messrs. Twynam, Turner and Ghosh, who were once connected with the administration of the district, will bear me out. The Civil Surgeon rarely inspects any outlying dispensaries and the Superintendent of Police has to delegate a large portion of his responsibility to two or more additional Superintendents.

Let us now consider the case of the Mymensingh District Board whose income is about 16 lakhs of rupees. Is it humanely possible for an Honorary Chairman or the paid Engineer to inspect all the roads and tracts of such a huge area. No tract of land in the province is perhaps more neglected, more inaccessible, more illiterate than the outlying villages of this district. However honest, however efficient the authorities of such big organisation may be we must hear of scandals and jobberies in its administration.

Sir, personal influence is a great factor of good administration. This personal influence cannot be easily established by officers oppressed with desk work and burdened with the administration of densely-peopled areas flung far too wide to traverse. These defects in the administration do not come prominently before the notice of the

Government but the cumulative effect of these cannot fail to be far-reaching and there is grave danger that the effect may become very serious now that some people have set to persuade the masses that Government does not care for their interest. Long before this Government came to the conclusion that there was no other remedy for all these defects other than the partition. As early as 1876, Sir Richard Temple, the then Lieutenant-Governor of Bengal, proposed the partition of Mymensingh. After careful consideration of all other alternative measures such as appointment of Additional Magistrate, Additional Superintendent of Police, formation of Advisory Board, the Government, on the recommendation of the District Administration Committee which was composed of distinguished and experienced civilians of Bengal, United Provinces and Behar and Orissa, committed itself to the scheme of tripartite division of Mymensingh with Jamalpur as the headquarter of the western and Kishoreganj of the eastern district. The proposal was that the western district will be composed of Tangail and Jamalpur subdivisions with an area of 2,610 square miles and 15 lakhs of population whereas the Kishoreganj district will have subdivisions at Bajitpur and Ishwarganj, besides Kishoreganj Sadar and will cover an area of 1,630 square miles with 14 lakhs of population. It will appear from these figures quoted above that these new districts would be bigger than more than half of the twenty-six districts of this province.

To give effect to this scheme lands were acquired, plans and estimates of buildings were made and bricks were being manufactured and a large part of the estimated cost was incurred. Many people were thrown out of their ancestral homes associated with many fond memories and cherished tradition; they were deprived of their paternal lands. They most ungrudgingly suffered all these individual losses only for public utility. Now, Sir, they are now looking with tears in their eyes on the lands over which cattle graze.

Sir, I appeal to the House not to be guided by sentiment. The district boundaries are not sacrosanct. They have been frequently altered in the past. The district of Khulna once formed part of Jessore and some tract of land now falling within Mymensingh district at one time were under several districts, such as Dacca, Pabna and Rangpur.

In asking the House to accept my resolution, I am not unmindful of its financial aspect. But, Sir, the consideration of cost must not stand to remove the intolerable nature of the conditions under which this district is being administered. The courts both civil and criminal and all other offices and official quarters that are seen in the subdivisional headquarters, particularly in Kishoreganj, is simply wretched and do not answer the prestige of the Government. The miserable condition of

the present courts and official quarters of Kishoreganj need immediate reconstruction and plans and estimates of new court building and official quarters are being made. My suggestion is that a slight alteration in the plan and estimate of these new buildings will meet the requirement of a district headquarters without much additional cost.

The readers of newspapers should not entertain any doubt as regards the intensity of feeling and sincerity of desires of the people concerned about this scheme.

At the public conference held in 1912 at Mymensingh under the presidency of His Excellency Lord Carmichael almost all present admitted that some strengthening of the administration was necessary, and all the Muhammadan leaders and some Hindu zamindars that were present on the occasion were decidedly in favour of this measure. A great disappointment was felt by the people when the scheme was postponed. Heavily signed memorial was sent to His Excellency the Earl of Ronaldshay praying for the completion of the scheme. A joint deputation of the leaders of Kishoreganj, Jamalpur and Bajitpur waited on His Excellency Lord Lytton in 1922 and on His Excellency Colonel the Hight Hon'ble Sir Stanley Jackson, Governor of Bengal, in 1928, for placing before their Lordships the views of the public on the subject. Their Lordships were convinced of the necessity and urgency of the scheme and gave very sympathetic reply on both the occasions. Only the other day the All-Bengal Tenants' Conference in its annual sessions under the presidency of Mr. Abdur Raheem, C.I.E., M.L.C., gave whole-hearted and unanimous support to this resolution. I come here armed with a resolution passed in Kishoreganj supporting the present motion.

I again appeal to this august House not to be swayed by sentiment and not to flout public opinion, being influenced by people having vested interest in the town of Mymensingh. I beseech the members of this House to look straight into facts before coming to their decision. The number of criminal as well as civil cases in Kishoreganj subdivision only far exceed those of an average district of any province in India. One Sub-Judge at Mymensingh is exclusively engaged with the original civil suits coming from that subdivision and the hearing of appeals from two of its Munsifs keeps busy a second one. The number of sessions cases committed from that subdivision only was 51 in 1924, 54 in 1925, 45 in 1928 and 47 in 1929, and the number of police cases tried by Deputy Magistrates of that place was 1,087 in 1926, 990 in 1927. The District Judges of the ordinary districts in Bengal do not deal with more than two dozen sessions cases in a year.

I implore you to picture to yourself the hardship and expense of the litigants of that area have to bear in bringing their witnesses to courts

which in many cases is more than 70 miles from their homes. Sir, justice delayed or justice secured at such a huge cost is worse than justice denied.

Decentralisation in every sphere of life is the cry of the day. Centralisation is an obstacle of good Government. Decentralisation means creation of more centres—public activity of all kinds. It helps mass education and stimulates mass consciousness. It is needless for me to make any special appeal to the Government members. The Government after a long and careful consideration of all facts and alternative proposals had no option but to definitely and irrevocably commit themselves to the scheme of the partition of Mymensingh district for improving the intolerable nature of its administration. I am, therefore, confident that the whole House cannot but accept unanimously the resolution moved by me.

3-15 p.m.

The Hon'ble Mr. A. N. MOBERLY: Sir, it may save time if I explain the position at once. I fancy that the members of this House know very well what it is. The administration of the district of Mymensingh cannot be satisfactory whilst it remains as large as it now is. The question was gone into by the District Administration Committee and after due consideration the Government in the pre-reform days sanctioned the partition of Mymensingh into three districts. They incurred a certain amount of preliminary expenditure—something like Rs. 8½ lakhs—but the total expenditure required was a matter of about Rs. 73 lakhs. The question came up on the demand for a grant in 1921. A demand was made for Rs. 6 lakhs and notwithstanding an appeal made by my predecessor Sir Henry Wheeler the Council refused the demand. In the following year, in 1922, a motion was moved in this Council—"That this Council recommends to the Government that the postponed scheme of the partition of Mymensingh district be carried out when funds are available." It will be noticed that that resolution was comparatively modest compared with the present one which is—"That this Council recommends to the Government that the scheme to partition the district of Mymensingh be now renewed." In dealing with the resolution of 1922, Sir Hugh Stephenson whilst saying that "we still consider the partition to be very necessary" also said "at present it is not within the sphere of practical politics to go on with the scheme." If it was not within the sphere of practical politics to go on with the scheme in 1922 much less is it within the sphere of practical politics to go on with the scheme in 1930. There are a very large number of schemes before Government at the present moment and they are all of them held up for want of money. I would advise the Council to be very careful before they try to press Government to earmark Rs. 73 lakhs for this scheme, desirable though it is, when

there are so many other schemes waiting to be financed—schemes which are directly concerned with matters which I know the members of this Council have very much at heart. I am afraid, therefore, that I must oppose this resolution at the present moment. What Sir Hugh Stephenson said in 1922 is this: "At present it is not within the sphere of practical politics to go on with the scheme. We have not got the money and as far as we can see we shall not have money in the immediate future. I, would like, however, the Council to know that we still consider the partition to be very necessary. So far as this particular resolution is concerned, the opinion of Government is that the scheme should be carried out when funds are available, but until the Council show unmistakably that they are prepared to vote the necessary funds, Government are not prepared to go on with the scheme." I would, therefore, suggest to the mover of this resolution that he should withdraw it and bring it up again at some more opportune time when there is some chance of money being found for this very necessary work and also at the same time of money being found for many other urgent and important schemes. If he does not see his way to withdraw his resolution I am afraid I must oppose it on the ground that it is absolutely beyond the sphere of practical politics to renew the scheme now.

Maulvi ABDUL HAMID SHAH: If the House allows me I would like to withdraw my proposal on condition that if the financial condition improves the scheme will come into force.

Mr. PRESIDENT: If you want to withdraw your resolution you shall have to do so unconditionally.

Maulvi ABDUL HAMID SHAH: Then I ask leave to withdraw my resolution.

The motion of Maulvi Abdul Hamid Shah was then, by leave of the Council, withdrawn.

The following motion was called but not moved, and, therefore, deemed to be withdrawn:—

Srijut TAJ BAHADUR SINGH: "This Council recommends to the Government that steps be forthwith taken to stop the total import into the Province of all brands of that commodity which passes by the name of vegetable product, or if that be not possible to legislate for the present for the introduction of some such colour in the commodity as will easily distinguish it from ordinary ghee."

Proposal for the resettlement of the permanently settled area of Bengal.

Mr. BIJOY PRASAD SINGH ROY: I beg to move that this Council recommends to the Government that a Committee of officials and non-officials be appointed at an early date—

(*a*) to examine the system of land tenure in the Permanently Settled area of Bengal with a view to ascertain whether it is possible to acquire the various grades of interests in land on payment of proper compensation to encourage and improve agriculture by re-distribution and re-settlement of lands on a new basis and by conferring on the settlement holders the right of the freedom of contract by repealing the Bengal Tenancy Act; and

(*b*) to find out whether the land revenue of the Province can be augmented by such re-settlement."

Sir, in moving this resolution I take upon myself a very great responsibility, but I do so, Sir, in the general interests of the agricultural population and of the people dependent on agriculture and not in the interests of any particular class or community. Of course if this resolution is accepted and given effect to it will do away with zamindars, with the long chain of tenure holders, so that it will bring about a complete revolution in the land system of Bengal. It will do away with the Permanent Settlement altogether. What will be its effect should be properly examined before any such experimental measure is accepted. The immediate object of my resolution is to request the Government to appoint a committee to enquire into the question and see whether such a proposal is at all feasible or not. There is a standing grievance against the Permanent Settlement, viz., that Bengal has lost much of its revenue because of the Permanent Settlement and that the revenue is consumed or intercepted by the zamindars and tenure holders. This may or may not be correct but certainly this is the view which my friend Babu Jitendralal Bannerjee and others hold.

Sir, the Permanent Settlement was established in 1793, the zamindars were made the proprietors of the soil but as Babu Jitendralal Bannerjee pointed out yesterday, within a few years of the introduction of the Permanent Settlement the Government began to regret it. They began accordingly to encroach upon the rights of the zamindars. The first encroachment was by the imposition of the income-tax on the landholding income during the early part of the seventies of the last century. It was abolished, but then came the cesses which were followed by the Bengal Tenancy Act of 1885. The climax was reached in the Bengal Tenancy (Amendment) Act, 1928. By this

Act the right of transferability has been conferred upon occupancy raiyats and the landlords have been deprived even of the right of choosing their own tenants. So the zamindars and tenure holders are not satisfied with the system as in force at the present moment. Apparently the tenants are also not satisfied. Only to-day we had a motion moved by Babu Jitendralal Bannerjee on behalf of the tenants. Mr. Bannerjee very boldly declared that the tenants were not satisfied under the present system. So if nobody is satisfied there ought to be some change. Sir, the long chain of subinfeudation have rendered land uneconomic in Bengal. If the actual value of one bigha of land is Rs. 20, a zamindar gets only Re. 2, the tenure holder gets Re. 1-8, and if there are two tenure holders they get not more than Rs. 3 leaving only Rs. 15 to the tiller of the soil; which he gets only if he cultivates the land himself. But on account of the bad health of West Bengal the cultivator has got to depend on imported labour with the result that his income is reduced from Rs. 15 to Rs. 10. There are also other factors which have rendered holdings uneconomic in Bengal, viz., their division and subdivision due to our law of succession. There is the constant cry of unemployment. The sons of *bhadraloks* are anxious to go to the land but this they can only do if the Government can make it their worthwhile for doing so by providing them with bigger holdings where they can use scientific appliances for agriculture. But this is possible if the Government can resume land which are already settled with the zamindars and tenure holders. My proposal is this: let the Government, by floating a loan or by any other means which may be considered practicable, acquire all the interests from zamindars downwards, and then resettle them with the tillers of the soil, that is, people who want to cultivate it themselves. They will make higher income and the Government higher revenue. Sir, the result of the tenancy legislation in Bengal has been that land has ceased to be improved by the zamindars or the tenure holders. If I improve my land it is natural that I should expect some return from it because the money I spend on it must bring its return. The period from 1850 to 1885 was a period of great agricultural improvement and prosperity. The landlords spent much money in reclaiming the waste lands in their estates and in helping agriculture. Thus two-thirds of Bengal which was waste land was reclaimed but this reclamation and improvement work have ceased since the introduction of the Bengal Tenancy Act.

Sir, in every department of life we are progressing from status to contact.

3-30 p.m.

But free contract between landlord and tenant is discouraged by tenancy legislations. Even the last Act of 1928 does not show any improvement on the previous Act. When my friend Mr. J. L. Bannerjee

and his supporters speak of the landlord's duty to improve his estate and to look after the welfare of his tenants they take the analogy from English landlordism; but we must remember that in England there is no such Act as the Bengal Tenancy Act to control the relationship between the landlord and his tenant. He is under the ordinary law of the land entitled to let out and lease out his land at a reasonable profit. The improvement in the economic condition of the country is only possible if the Government agree to acquire all the various interests in land and resettle them with the actual tillers of the soil or with those who will spend money in improving the holdings. This will be possible only if a free contract is allowed between the owner of the holdings and the cultivators. This is a question with which the Hon'ble Revenue Member is very much familiar and I need not speak more on my resolution.

As regards sub-clause (*b*) of my resolution it is also a standing grievance that Bengal suffers because a large portion of Bengal's revenue is intercepted by zamindars; whether this is a fact or not should also be enquired into. If the Government can derive more revenue by fresh settlement of lands and spend more money for the welfare of the people I think it is worthwhile to enquire into that question. With these few words I beg to commend my resolution to the acceptance of the House.

The Hon'ble Sir PROVASH CHUNDER MITTER: The question is so vast and the problems are so complicated and involve the examination of so many interests that I would be very rash if I were to accept the resolution as it stands; at the same time I feel that it is desirable to make an enquiry into the present conditions of land tenure in this province. If not for any reason, for this reason and this reason alone, that the agriculturists are not contented with their lot; if not for any reason for this reason that existing conditions tend to class warfare leading to nowhere, if not for any other reason for this reason that about 90 per cent. of the litigation in this province arises directly or indirectly from the question of collection of rents, and this means that the substance of the agriculturists and the substance of the landlords are wasted. There are other reasons too which justify an enquiry but if there are these a priori reasons for an enquiry and for a proper examination of this big question, it ought to strike any one who applies his mind to this problem that it is one of great intricacy and that there are so many vested interests involved. My friend Mr. Bijoy Prasad Singh Roy has put forward this question but I should like to know from him whether the big landlords are with him and whether they would like it. I should like to know from him whether the tenure holders interspersed all over the province would agree to it. I should like to know from Mr. J. L. Banerjee and others who represent the raiyats whether they would welcome it. But my real reason for

objecting to accept this resolution is that that at the present moment we are somewhat in the dark and nobody seems to know the position accurately. I am free to confess that not even Government are in possession of accurate knowledge without further enquiry. But if Government knowledge be limited it will be well-nigh impossible for a body of non-officials to get at the true state of things. Government, however, have valuable materials at its disposal and it is the Government and the Government alone which can shift these materials.

The mover of the resolution has suggested a committee of officials and non-officials. But what is the committee to do? With an area extending over 70,000 square miles, with millions of population and with so many interests each district different from the other, and even in the same district one part differing from the other, where are the materials in a presentable form for the committee? But fortunately we have the materials which if properly examined may yield satisfactory results. We have materials for 17 districts where the record-of-rights has been completed and very soon we shall have materials for a number of other districts where the record-of-rights are in process of completion. Let the materials be shifted first; and it will require a number of officers working hard for months to shift the materials. And I can here take the House into my confidence and say that Government as a whole have decided to shift the materials through officials. After this enquiry through officials have been completed I and other members of Government would be in a better position to understand the correct position. If after this enquiry it be found that further pursuit of the line would lead to a blind alley then it will do no good to proceed any further. If, however, as a result of this enquiry it be found that there are possibilities that problems affecting the prosperity of every individual living in the rural areas of Bengal and outside the rural areas, can be satisfactorily followed we should have the frankest and freest discussion with the different vested interests. Therefore, it is not possible for me to accept the resolution as it stands. At the same time I am quite willing to agree to the following modification of the resolution:

"That this Council recommends to the Government to examine the system of land tenure in the permanently settled area of Bengal with a view to ascertain whether it is possible to acquire the various grades of interests in land on payment of proper compensation to encourage and improve agriculture by redistribution and resettlement of lands on a new basis."

Up to that and without the addition of "a Committee of officials and non-officials" I am willing to accept but I may say quite frankly that even then it would be nothing but a pious resolution. The real thing will depend on the enquiry conducted through officials and then an examination of the result of that enquiry by the different interests

concerned. If my friend Mr. Bejoy Prasad Singh Roy withdraws this resolution on this assurance or accepts it in this modified form without definitely committing either this House or the Government I am ready to accept it. I cannot possibly commit Government to the resolution as it stands.

Mr. BEJOY PRASAD SINGH ROY: Sir I accept the modification suggested by the Hon'ble Member.

Mr. PRESIDENT: In that case it must come to me in the shape of an amendment. The mover of the resolution cannot possibly move that and I cannot, in the ordinary course, accept it if there be any objection. Having regard to this, will the Hon'ble Member himself move such an amendment?

The Hon'ble Sir PROVASH CHUNDER MITTER: If I am assured by the different groups in this House that there is no objection I am ready to move it.

Mr. PRESIDENT: How can the House indicate that? The question will not be before them till you have actually moved the amendment.

The Hon'ble Sir PROVASH CHUNDER MITTER: I want to explain my position, Sir. According to my view the amendment even in this particular form is merely a pious expression of opinion and does not commit Government in any way but at the same time I do not want to move this amendment in the absence of————

Mr. PRESIDENT: You have already said that.

The Hon'ble Sir PROVASH CHUNDER MITTER: Let me explain further, Sir. If the representatives of the Proja party or the representatives of the landlords' party have no objection I may move it; if they object, I will not move it.

Mr. PRESIDENT: I am not at all concerned whether you move it or not.

The Hon'ble Sir PROVASH CHUNDER MITTER: As I find no indication of objection on the part of any member, I move it.

Babu KISHORI MOHAN CHAUDHURI: I object Sir.

The Hon'ble Sir PROVASH CHUNDER MITTER: In that case I do not move it.

Mr. BIJOY PRASAD SINGH ROY: In that case I have no other alternative but to withdraw my resolution.

The motion of Mr. Bijoy Prasad Singh Roy was then, by leave of the Council, withdrawn.

The following resolution was called but not moved and, therefore, deemed to be withdrawn:—

Maulvi MUHAMMAD FAZLULLAH: "This Council recommends to the Government to take immediate steps to introduce a Bill to amend the Patni Sale Law of Bengal (Bengal Regulation VIII of 1819) principally under the following heads:—

(*i*) to provide for setting aside the sale in consonance with the principles enunciated in section 174 of the Bengal Tenancy Act (Act VIII of 1885) and order 21, rules 89 and 90, of the first Schedule to the Civil Procedure Code (Act V of 1908) and section 22 of the Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913);

(*ii*) to provide for separation of shares of Patni Taluqs held in common by opening of separate accounts in accordance with the principles of Revenue Sale Law (Act XI of 1859); and

(*iii*) to make other incidental changes."

Prostitution in Fairs and Hâts.

Maulvi HASSAN ALI: I beg to move that this Council recommends to the Government that immediate steps be taken to stop the practice of prostitution of fallen women in fairs and hâts of Bengal.

Sir, I would not have moved this resolution as Mr. Jitendra Nath Chakravarty was going to move for leave to introduce a Bill with the like objects in view. But as unfortunately he has resigned his seat, and his motion is going out unmoved, I think it is my duty now to move this resolution.

Sir, I need not mention that every year, melas big and small are held in almost every part of Bengal. My own district and its neighbouring one rank first in this respect. In this part of the country Sir, lie all the big fairs of Bengal such as Alakhan, Nekmarda Darwani, etc. One cannot but be surprised to see Sir, that one of the chief features of these melas is this immoral and vicious trade. Sir, one cannot fail to be shocked with horror to see that the young section of the population are visiting these evil shops of infamy day and night purchasing *shameful* diseases and infecting the innocent family. In this way Sir, families are being ruined, and houses are being destroyed.

Melas are held during certain parts of the year, some for one month, some for 20 days and some for 15 days. But there are hats and bazars

which are more dangerous in this respect, Sir. As we know, Sir, hats are somewhat permanent. These are not towns. No advantage of town can be found in these hats. But we will never miss, Sir, that the evil, the *Satan* in the town, is invariably here also.

I do not like to dilate upon the subject any further inasmuch as we one and all know what havoc is being worked out in Bengal by this unchecked evil practice. The political philosopher may view the evil as a "necessary one." But Sir, I think it is the primary duty of a civilized Government to save its population from moral as well as from physical ruin.

Sir, we are going to introduce compulsory primary education in the country, we are going to pass measures for prevention of dangerous diseases. We have also got an Early Marriage Prohibition Act. All these will be of no avail and will prove a sheer mockery unless the Government put a stop to this ill-practice of prostitution.

3-45 p.m.

The Hon'ble Mr. A. N. MOBERLY: I may say at once, Sir, that Government recognise and deplore the existence of this evil. It is, however, one thing to recognise the existence of the evil and quite another to be able to devise means to deal with it. On behalf of Government I am ready to give an undertaking that Government will initiate enquiries to see what practical steps can be taken to deal with it. Government will also welcome any practical suggestions from any source. I am, however, unable to promise that immediate measures will be taken to stop the evil. We have had Bills before this House; we have examined those Bills, and in every case we found that they would be absolutely ineffective to stop the evil which we all deplore. I hope the mover of the resolution will perhaps understand that it is impossible for us to take immediate measures, because although we desire to deal with this evil, we do not know at all what measures to take. I hope that on my assurance that we will initiate enquiries and do our best to deal with the evil, he will see his way to withdraw the resolution.

The following motion was then put and agreed to:—

"This Council recommends to the Government that immediate measures be taken to stop the practice of prostitution of fallen women in melas, fairs and hâts of Bengal."

The following resolution was called but not moved and, therefore, deemed to be withdrawn:—

Mr. K. C. RAY CHAUDHURI: "This Council recommends that a Committee composed of officials and non-officials be formed to inquire into the conditions of employment of the staff of the Process Serving Establishment in Bengal and to recommend necessary improvements."

Proposal for the removal of the sex disqualification for election.

The following resolution standing in the name of Kazi Emdadul Hoque was then called:—

"Pursuant to the second proviso to rule 5 (*1*) of the Bengal Electoral Rules, this Council recommends to the Government that the sex disqualification for election to the Bengal Legislative Council be removed in respect of women generally."

Mr. P. N. CUHA: Sir, I have got an identical motion like the one of which notice has been given by Kazi Emdadul Hoque. So, I would ask your permission to move this motion.

Mr. PRESIDENT: You want to move this motion on behalf of Kazi Emdadul Hoque?

Mr. P. N. CUHA: Yes, Sir.

Mr. PRESIDENT: Yes, you have my permission to do so.

Mr. P. N. CUHA: Sir, the principle underlying this resolution was discussed threadbare when Dr. Moreno brought up a resolution to remove the disqualification of women with regard to voting. Sir, in going through the Bengal Electoral Rules it will be found that the framers of the rules had taken precaution to exclude the womenfolk from participating in legislative activities in three different places: first, in Rule 5 they were debarred to seek election to the Legislative Council; secondly, in Rule 7 they were debarred from exercising their rights of franchise; and, thirdly, in Rule 22 the Governor of the province was not given power to nominate any woman member. Sir, in going through the disabilities mentioned in these rules, you will find that exception has been made with regard to bankrupts, lunatics, jail-birds, and other people, and it is strange that at such a late hour of the day the female folk have been excluded along with them. Sir, I think, the principle has been accepted all over the civilized world, and in this very Council as well. If I remember aright, it was first brought up by Mr. S. M. Bose in 1922, but at that time the resolution was rejected, and subsequently it was brought up by Dr. Moreno, when the principle of conceding franchise to women was accepted by the Council by an overwhelming majority, as the result of which a notification was published in the *Calcutta Gazette* and the disability was removed. I do not understand why, if we allow women to vote, we should not allow them to come here as members. If the Council accepts my resolution there will still remain another disability, viz., the absence of any power of nomination of a woman by His Excellency the Governor. If any

member brings an amendment in regard to the disability it may be accepted, but my hands are tied. I do not want to waste the time of the Council by arguing this matter. We have seen the useful work that ladies can do in public bodies. In the Calcutta Corporation Miss Lloyd was nominated by His Excellency the Governor, and I had the privilege of working with her for the last three years and I found her taking keen interest in the welfare of the city. She has done most useful work and the Corporation accepted her resignation with regret and recorded their sense of appreciation of the useful work done by her. Sir, I do not think there should be any educated gentleman, either European or Indian, standing in the way of our womenfolk entering the Council, particularly when they have given the right of franchise, and when the Appointment Department has not yet found any inconvenience in including them in the electoral roll. I will not take time of the Council—this is only a formal matter. I hope the Government will immediately remove the disqualification and will grant this right to our womenfolk. In view of the resolution carried in August, 1925, conferring franchise on women, this resolution will, I hope, be unanimously accepted by the Council.

Mr. PRESIDENT: I find that Mr. Campbell Forrester has given notice of a similar resolution. Does he wish to speak on this resolution?

Mr. J. CAMPBELL FORRESTER: It would be wasting the time of the House by repeating what women did during the War, and what they are still doing in helping on the world's advancement. I have had experience in two hemispheres—the North England and Calcutta in committee work. I have found them doing excellent work. On the Board of Guardians, where at times very delicate sex problems had to be gone into, they showed great aptitude in probing matters to a just conclusion and frequently prevented gross injustice being done. I sat beside the first lady Councillor in the Calcutta Corporation and can personally testify to the excellent work she did. I recognise at times some of us are not too kindly disposed to give further power to women. I personally have experienced that, and that quite recently, I at one time thought of going to England to advocate the purdah system, but that feeling was short-lived. I still find myself in the van of progress and have no doubt in my mind that women are perfectly qualified to sit in this House and take part in our deliberations. I trust this House will show that it is progressive and vote for this resolution.

The Hon'ble Mr. A. N. MOBERLY: Sir, I must confess that I expected that more members would hurry to catch your eye on an interesting motion of this kind. As they have not done so, I had better

explain the attitude of Government towards this motion. As a Government, Sir, we have no views on the subject, and we propose to leave it to the official and nominated members to speak and vote as they think best about it, without attempting to influence or persuade them in any way except by argument in this House. I do not know whether my personal views would be of any interest, but I propose to state them very briefly. Theoretically I am all in favour of this motion, but in Bengal, at the present day, I think I must say that this motion is premature. There are in Bengal, as in other parts of India, women who would be ornaments to any assembly, but at the present moment, under the present conditions of franchise, I think it is probable, if the matter were examined, that a large proportion of those women would not find a place on the electoral roll at all. It is possible that the results of the extension of the franchise to women have not been quite what the House anticipated when they passed the motion in favour of the removal of sex disqualification. I can only say that most of the women on the electoral roll, or a large proportion of them, might not be welcome in this assembly, and I think it is quite likely that people who wish to bring this House into disrepute might arrange somehow or other, if the sex disqualification were removed, for some of these women to be returned to this Council. I merely wish to utter this word of warning. There is another point also: it is quite likely that the women who would be ornaments to this Council would not care to face the rough and tumble of an election. I am, therefore, not in favour of passing this resolution at the present moment, although theoretically I yield to no one in my opinion that women should, other things being equal, have a voice in the affairs of the State.

4 p.m.

Mr. P. N. GUHA: I have nothing much to add in reply to the remarks of Mr. Moberly. His fears have not been overlooked by me. All members of the Council are anxious to maintain the prestige of the Council and the tactics by the exercise of which the same is likely to be destroyed are being played even now. We need not be afraid of that. Some undesirable persons may come in by an avenue if it is opened, but that should be no reason why such an avenue should not be opened. Mr. Moberly's fears will prove to be baseless in the course of time and I hope the Council will pass the resolution. Further, Mr. Moberly's theory that womenfolk may not care to face the trouble of an election is untenable. We all know that a lady fought the election of the Corporation with great zeal and I know some others are preparing themselves for the fight this time again. As regards the fitness of the Bengali ladies, all that I want to point out is that Bengal has provided one of the two lady Presidents of the Indian National Congress in the person of Mrs. Sarojini Naidu, and who does

not know that Mrs. Basanti Debi presided over the Bengal Provincial Conference at Chittagong with conspicuous ability? There are scores of ladies in Bengal who will be ornaments of this Council and they are eager to come in. I, therefore, hope that the resolution will be passed with an overwhelming majority.

The motion of Mr. P. N. Guha was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Ashrafuddin.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghosh, Mr. M. C.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Insch, Mr. J.
Lal Muhammed, Haji.
Nag, Reverend B. A.
Poddar, Seth Hunuman Prasad.
Ray Chowdhury, Babu Satish Chandra.
Rose, Mr. C. F.
Rout, Babu Hoseni.
Roy, Babu Satyendra Nath.
Rushforth, Mr. F. V.
Sahana, Babu Satya Kinkar.
Singha, Mr. Arun Chandra.
Travers, Mr. W. L.
Wordsworth, Mr. W. C.

NOES.

Cassells, Mr. A.
Chatterjee, Mr. S. C.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Choudhury, Maulvi Nural Absar.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Clark, Mr. I. A.
Dain, Mr. G. R.
Gash, Mr. A. J.
Hasson, Mr. G. A.
Ispahani, Maulvi Nur Rahman Khan.
Faziullah, Maulvi Muhammad.
Ganguli, Rai Sahib Sushil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Huq, Khan Sahib Maulvi Saziul.
Hutchings, Mr. R. H.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali
Khan, Mr. Razaur Rahman.
Marr, the Hon'ble Mr. A.
Moberly, the Hon'ble Mr. A. H.
Mukharji, Rai Bahadur Satish Chandra.
Nazimuddin, the Hon'ble Mr. Khwaja
Prentice, Mr. W. D. R.
Raheem, Mr. A.
Rahman, Mr. A. F. M. Abdur-
Ray, the Hon'ble Kumar Shib Shekhareswar.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. Sarat Kumar
Sarker, Rai Sahib Rebati Mohan.
Shah, Maulvi Abdul Hamid.
Tate, Major General Godfrey.

The Ayes being 28 and the Noes 34, the motion was lost.

The following resolution was called but not moved and, therefore, deemed to be withdrawn:—

Mr. H. S. SUHRAWARDY: "This Council recommends to the Government that Sir William Willcocks be invited to Bengal as early as possible to advise Government in regard to its Irrigation policy."

Opening of a khal from Bhora Sangu to Pesker hat via Katakhali khal.

Haji BADI AHMED CHOWDHURY moved that this Council recommends to the Government that a khal be opened from Bhora Sangu to Pesker hât *via* Katakhali khal, for the purpose of discharging waters from the water-logged parts of the Anwara thana in the Chittagong district.

He spoke in Bengali.

4-15 p.m.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: It is true that the excavation of a khal from Bhora Sangu to Pesker hât which is estimated to cost Rs. 40,000, would relieve the waterlogging of a part of Anwara thana of the Chittagong district and improve the health and agricultural conditions of the locality. It is equally true that it will shorten the boat route to Chittagong. It is also true that the Collector of the district has written to say that the facts as stated by the mover of the resolution are perfectly correct. The District Engineer is however of opinion that the opening of the khal will cause the Chandkhali and Murali khals, which form the line of communication with Satkania thana, to silt up. The benefit to one area is however likely to be more than counterbalanced by the disadvantages caused to other areas. The wisdom of the measure advocated has thus been doubted. Further, Government are not yet in a position to undertake minor schemes of this nature, which are properly dealt with under the Agricultural and Sanitary Improvement Act, 1920. If the local people want it to be taken up, it is for them to move the Collector under section 3 of the Act.

In these circumstances, if the mover will withdraw his resolution, I am quite prepared to have further enquiries made on this subject and the question further examined.

The motion of Haji Badi Ahmed Chowdhury was then, by leave of the Council, withdrawn.

[At 4-20 p.m. the Council was adjourned for prayer and it reassembled at 4-30 p.m.]

Babu JITENDRALAL BANNERJEE: May I ask you, Sir, about the fate of the adjournment motion that I sent?

Mr. PRESIDENT: This is certainly not the time for asking a question like that.

Babu JITENDRALAL BANNERJEE: I was told by the Registrar that you had no time to consider it.

Mr. PRESIDENT: You should have raised this point immediately after questions.

Babu JITENDRALAL BANNERJEE: May I explain why I did not raise it then.

Mr. PRESIDENT: It is no good. The rules provide that you have to raise the matter at a definite time and you did not do so.

Babu JITENDRALAL BANNERJEE: As a matter of fact, I was informed by the Registrar that you had no time to consider my notice.

Mr. PRESIDENT: Mr. Bannerjee, I am not prepared to take cognizance of any private conversation.

Budget provision for the Bhairab excavation project.

Maulvi SYED MAJID BAKSH: I beg to move that this Council recommends to the Government that provision be made in the next budget for a sum of Rs. 24,00,000 for the Bhairab excavation project as approved by Government under Scheme No. 2 of the Bhairab Drainage Scheme and also provision be made for a sum of Rs. 2,00,000 for the supplementary scheme to the aforesaid scheme.

Sir, I think that I shall have to inform the hon'ble members of matters which perhaps some of my friends do not know. This matter was discussed in connection with a resolution moved in the Bengal Legislative Council and the able mover of that resolution gave a detailed explanation of the scheme. I will briefly state what is main Bhairab Scheme No. 2 and how far Government has committed itself and how long the scheme has been before the Government, i.e., for about a quarter of a century. In this session of Council I put two questions regarding the Bhairab drainage scheme and the answers which the Hon'ble Member-in-charge was pleased to give me are like all answers that are usually given of a non-committal nature. The answer which I have been able to get in reply to unstarred question 1 (*c*) is that a report from the local officers was recently received and further information is awaited and in reply to unstarred question 1 (*f*) it was stated that a date cannot be fixed now. Sir, if you will look at the history of the scheme, you will find that various Lieutenant-Governors and Governors beginning from the late Sir John Woodburn and continuing up to Lord Lytton have all given serious consideration to it and had approved of it: so much so that Lord Lytton in his speech delivered at Jessore evidently promised that some provision would be made about the Bhairab scheme and that substantial help

would be given by Government towards that scheme. I do not know whether I shall be able to picture before you and other hon'ble friends the real state of affairs in Jessore. It will be sufficient if I mention that Jessore has a history which has an undying memory in the history of Bengal. In the past Jessore provided men who were no less famous than any man in the whole of India. There were men who fought successfully their battle for freedom when others had succumbed. Even, Sir, in the Muhammadan period if you look up the only authentic history of Bengal, viz., the Reazus Salatin of Gholam Hossain Salemi, you will find that Jessore was once the capital of lower Bengal. We find also some instance of the bravery of the rulers of Jessore and Mirzanagar in the fact that when all other parts were visited by Bargis who plundered the properties of the inhabitants, the people of Jessore, and why of Jessore but of all those parts of which Jessore was the capital, enjoyed immunity from these attacks. Therefore, Sir, Jessore has an importance in the history of Bengal. Even in the Gazetteer written by Mr. O'Malley we find that the two most important towns were Jessore and Mirzanagar. Of course Jessore, as it is now, is quite different from what it was in times past. The capital of Bengal at one time was at Mirzanagar which is about 20 miles away from Jessore. In that book you will find that it was one of the biggest towns with a military station. If any of my friends here will go there he will find that there is a fort with a gun even now. At that time Mirzanagar was a populous town. If we count the number of persons residing there now I think it will not exceed a couple of dozens. Jessore has been laid waste by the scourge of malaria and this scourge has not come only by chance. It is the process of smothering the rivers of Jessore which used to carry the flood waters of the Ganges over the various parts that is responsible for it. It is not my opinion, Sir, but the opinion of a great person—the International expert—Sir William Willcocks who has said in the report that he submitted in response to an invitation from the Bengal Government, that Bengal has been bound by a satanic chain of railways. The result has been that the people are dying by thousands. Not only Jessore but we find that Murshidabad which was once the capital of Bengal Krishnagar—which was also an important place—are filled with malaria germs and people are dying by hundreds and thousands every year. In reply to a question which I put in the previous session of the Council the figures that were given by Government as to the depredations of malaria are alarming. It is simply horrifying to find that in the course of the last 8 or 9 years the decrease in the population of Jessore has been more than 50,000.

If a district looses population by about eight to ten thousand a year, it is a question of simple arithmetic to determine within how many years that fair land will be depopulated. In 1884 the population of Jessore district was about 22 lakhs. In the last census it was only

1½ lakhs or so. In all these years the population has decreased by about so many lakhs. If this rate of decrease goes on then I submit that this district will cease to exist and the province will be a loser in one of its famous districts. Government ought to look to it because if the people of a district ceases to exist the revenue will consequently suffer, so that it will only be a profitable investment on the part of Government to accept my proposal and make that provision which has been promised from time to time. But, when this problem will be looked into nobody can say. If Government within the last 25 years cannot find money I do not know when they will be able to find it. I am afraid we will have to wait till doomsday when all the world will cease to exist and then Government will be able to find money.

I have already stated it is a profitable investment and Government ought to undertake the work by way of a capital loan if necessary. If they can spend so much money in various other directions certainly they can find some money for this project and save its subjects from destruction by malaria. Even now it is perhaps not too late. If the people of the district live they will be able to produce raw materials so that it may be exported and benefit the Government and its subjects. A resolution of this nature was brought on the 17th August, 1925, by Maulvi Abdul Quader and the reply given to it by the Hon'ble Maharaja Bahadur of Nadia was to the effect that in view of the great interest taken in the Jessore district Government had examined the present position and in regard to the Bhairab river they had three projects under consideration and the first was in regard to the Mathabanga river. As we all know the rivers of three districts of Murshidabad, Krishnagar and Jessore are affected by the river Mathabanga which takes its rise from the Ganges. If that project is completed it will reclaim the other rivers. Not only the Bhairab but almost all the rivers of the district have turned into stagnant pools breeding mosquitoes which spread malaria, and this fair land of Jessore is going to be depopulated unless steps are immediately taken. Sir, I may mention incidentally that this aristocratic district of Jessore was also poetic in naming its rivers. Thus Kapotakshi, it means the dove's eye, Navaganga the new Ganges, Chitra the picturesque and Bhairab the dreadful—not a poetic but a very eloquent name. The present scheme is to connect Mathabanga with one of the main reaches of Navaganga, and as the water comes down Navaganga another channel will be cut which will water the Bhairab. This calculation has been made by one of the ablest of engineers. Government has already spent much money—I believe Rs. 50,000—and the scheme has been prepared by Mr. Addams-Williams. His scheme is called the Bhairab Scheme No. 2. Mr. Addams-Williams has shown by calculation that if this scheme is brought into effect the water will rush out at the rate of 2,000 cubic feet per second and if the water runs at that rate it will clear all the water-hyaciuth and other pests and will make the Bhairab

a moderately navigable river. It will not of course restore it to its former condition, but it will make it a fairly navigable river. It will increase the river borne commerce of the district, it will benefit the people, it will increase riches and it will help carrying commodities from the interior for exportation. To my European friends I would remind that Jessore is a jute producing district; large quantities of jute are produced there, and if there are sufficient facilities for carrying goods, it will benefit that trade. From that point of view I would request them to give my proposal a sympathetic consideration.

This scheme of Mathabanga will require only about Rs. 24 lakhs according to Mr. Addams-Williams' estimate. The District Board of Jessore has already passed a resolution that they would take a loan of the money from Government which will be recouped by taxation from the neighbouring parts of the district. It will increase the productive power of the district lying on both sides of the river by giving it a copious flow of water which will deposit silt and thereby increase the production of jute to a great extent. This will be followed by an increase in production and thus the cost will be realised soon. So what is required of Government is only an advance of the money as loan to the District Board. To begin with only Rs. 2 lakhs is required for the Mathabanga scheme for a channel to be cut from Mathabanga near about Chuadanga. This channel will run underneath the railway under a bridge built for the purpose and the water will be led into the Navaganga. If that is effected the water from the Ganges will be brought into the channel of Mathabanga and the Bhairab and other rivers will be reclaimed. From the reply given by the Hon'ble Maharaja Bahadur of Nadia it will be seen that difficulties in connection with it has been overcome and the estimated cost has been brought down from Rs. 63 lakhs to Rs. 24 lakhs. The project was considered in 1925 and five long years have passed and the project has remained where it was. In answer to my question the Hon'ble Member in charge of the Department says that Government cannot fix a date now for carrying on the project as they are still in correspondence with the officials. I do not know how long this correspondence will go on. Unless the project is rescued from this hopeless tangle of red tapeism there is hardly any hope of giving effect to the project in the near future. The project was ready in 1925 and it is high time that you put it into operation now.

I only want Rs. 2 lakhs now and the District Board wants the remainder as a loan. The income of the District Board is between Rs. 5 and Rs. 6 lakhs so it will not be unsafe to advance this sum of money to them. There is no fear of its being treated as bad debt afterwards. I would submit that if this is done then you will have done a great work of humanity and you will have done great good to the district and to the people of Jessore. They are dying by

thousands every year. The population is decreasing. In reply to question by my hon'ble friend Mr. Bijoy Prasad Singh Roy it was said that the people of Jessore die of malaria to the number of 36 to 38 thousand. If people die at this rate then, as I have said before, it is only arithmetical calculation to guess in how many years' time the whole district of Jessore will be depopulated. History says that both during the Muhammadan period and the Hindu period this district was famous for its hardy children who fought battles after battles. They are now reduced to skeletons. Their stomach is full of spleen and liver and there is hardly any room for any other organs left in their bodies. These are not mere imaginary pictures but I am relating actual facts. I submit that if my resolution is accepted it will remedy all these evils and the evils must be remedied before we go any further.

5 p.m.

The district of Jessore had well flushed rivers and the villages through which the Bhairab flowed could be rid of malaria if this project were undertaken. If you give this money it will give the people of those districts and those localities better food and better health. I may submit in this connection that the money that Government may lend in this behalf will be realised by taxation. Everything has been completed and it remains only for the Government to take up this scheme and thereby make a move and put it in operation. There are many difficulties in the way of it, I know; the matter is so technical. The engineering details of the scheme are abstruse and it is very difficult to make people understand them and it is these difficulties that have stood in the way of the people for these five or six years. An engineer comes and studies the situation for five years and when he has sufficiently understood matters he leaves the station and then comes his successor who tries to understand it over again and in this way the process of understanding is going on but the scheme is never taken in hand.

I am told, Sir, that Lord Lytton and even Lord Carmichael before him were in favour of this scheme and promised to take steps with this end in view and perhaps some survey and other preliminaries were started. But, Sir, whatever it may be, I do submit that Government has already spent some money and has committed themselves to this scheme and so they should take it up further. Instead of allowing the District Board of Jessore to spend another Rs. 5,000 or Rs. 6,000 for the next five or six years they should put the whole scheme into operation at once. My resolution demands that this money should be lent to the District Board of Jessore and they are willing to repay; all that I want is that the scheme be taken in hand at once. I want that the supplementary scheme to Scheme No. 2 be taken up first and

after that scheme has been put in operation and completed and the engineers declare that it is a fit scheme and sufficient water is coming, then of course it will be time to spend the other Rs. 24,00,000. Even if sufficient water is not coming, even then this money should not be considered to have been wasted. It will still benefit some portion of the district of Jessore. The upper part of Jessore is Jhenida and it is now almost depopulated. The subdivision of Jhenida even now contains European residents. The indigo planters had their headquarters there for the purpose of indigo cultivation long ago and they are still zamindars there. If Jhenida had been a malarious district they would not have made their headquarters there as they would not have found it profitable to carry on their trade there. Although indigo planters are no longer there, their descendants are still zamindars of those parts. But what is the condition now? Whole villages have been depopulated; villages which formerly harboured millions of men are now lying empty being covered with jungles where beasts of prey now prowl about.

Mr. H. S. SUHRAWARDY: Sir, may I have your leave to support this resolution in a very few words. I feel perfectly certain that the Hon'ble Member himself would be only too glad to accept it and take the matter up if he had the money at his disposal. I suggest that the reason for the inactivity of the Irrigation Department is the want of a definite policy and a definite programme which makes it impossible for it to make up its mind as to which of the several projects it should deal with at first. I, therefore, humbly suggest to the Hon'ble Member to take advantage of a certain factor which I think the good fortune of the people of Bengal has introduced, namely, the invitation by a great institution, which knows how to honour distinguished men, of Sir William Willcocks to lecture before it. I would suggest to the Hon'ble Member that he should invite Sir William Willcocks to collaborate with the Government of Bengal and to place before the Government of Bengal his views on matters of irrigation. The Irrigation Department has failed to perform its duties, and with its failure is bound up the total failure of the administration of the British Government in central Bengal which has been unable to grapple with the primary problem of keeping people alive; for the lives of the people there are dependent on the lives of the decaying and dying rivers. Sir William Willcocks has placed before us a very simple solution, and I do not think it will be beneath the dignity of this Government to take advantage of his presence and to consult an engineer whose advice has been sought by much greater Governments and States than the Bengal Government. If he considers that this project should be taken in hand I see absolutely no reason why the Hon'ble Member should not make a start.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: May I rise to a point of order? My friend is discussing a motion which he missed by not being present in the House. It has nothing to do with the present resolution.

Mr. PRESIDENT: It is ingenious and not altogether irrelevant.

Mr. H. S. SUHRAWARDY: Although I realize that my remarks are related more closely to the resolution which I missed, yet I think that they are relevant to any irrigation project; because in my humble opinion no irrigation project ought to be sanctioned if Sir William Willcocks gives his opinion against it. So much so, that I am of opinion that if Sir William Willcocks comes and says now that the hare-brained Damodar project is a project which is against the best interests of the country then I should ask the Hon'ble Member and the Irrigation Department to scrap it even at this stage. If Sir William Willcocks says that the Midnapore and Kristapur canals should be scrapped, so as to permit the flood water to flow unimpeded through the natural channels, and thus open up the lower rivers I think the Hon'ble Member should take the matter in hand. Instead of taking up small schemes here and there, although I would place the Bhairab scheme on a higher footing and classify it as a distinctly urgent scheme, I say that there ought to be a definite programme.

Mr. PRESIDENT: Did you not tell me you were supporting this resolution?

Mr. H. S. SUHRAWARDY: Yes, I am supporting it.

Mr. PRESIDENT: You do not seem to maintain that position.

Mr. H. S. SUHRAWARDY: I feel that this scheme is in consonance with the simple principles which Sir William Willcocks has laid down.

Mr. PRESIDENT: I can quite understand that. You can even say that Sir William Willcocks should be consulted with regard to this particular scheme, but when you say that the Government should not take up such matters piecemeal I take it that you do not really intend to support the resolution.

Mr. H. S. SUHRAWARDY: The reasons why I say that the Bhairab project should be supported are that it is in consonance with the principles of irrigation which Sir William Willcocks has laid down, it is in consonance with the desires of the people and with their knowledge of irrigation matters; it is in consonance with the experience of the people who have seen these rivers in full activity dispensing life and plenty, and who have seen these rivers decaying and dying and with it bringing disease, poverty and death. That is the basis of my argument; if I felt otherwise, if I felt that this scheme is not in consonance with the principle laid down by Sir William Willcocks I would have opposed it. But while this scheme should be supported, Government should not lose sight of the fact that it is imperative to have a definite policy in accordance with the views laid down by Sir William Willcocks, so that we may proceed systematically to solve the problem of problems, on the solution of which depends the very existence of Bengal itself.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I wish to say just a few words to explain that this particular subject is being dealt with by the Local Self-Government Department and the Hon'ble Minister-in-charge will reply because this case comes under the Agriculture and Sanitary Improvement Act. So far as I am concerned the scheme was prepared by the Irrigation Department, which is under me, and was passed on. I wish to say a few words with regard to the remarks that have fallen from my friend, Mr. Suhrawardy, who has unfortunately missed his chance of moving his resolution and thereafter is now giving us an expression of his views with regard to Sir William Willcocks. I can assure him that Sir William Willcocks is entitled at all times to very great respect and if Mr. Suhrawardy had moved his resolution, he would have heard in what way Government proposed to take advantage of Sir William Willcocks' presence in Bengal in the near future.

Maulvi SHAMSUDDIN AHMED: Sir, I shall be very brief as I do not want to inflict a long speech at this fag end. I would only say this that it should be the primary duty of a civilised Government to look to the health of its subjects and it is on that ground that I take my stand here. I do not want to be told that Government are in want of money for excavating the Bhairab; all I want to know is whether it is not the duty of this Government to save the people of Jessore from starvation and death. Sir, everybody knows what happens in Nadia, Jessore and Khulna in the dry season for want of water. My friend has spoken only for the district of Jessore, but, Sir, the districts of Nadia and Khulna should also be coupled with it. Jessore might have an ancient history of its own and many other

achievements to its credit but this scheme affects three districts as I have said above. Before I came to this Council we were told by the late Maharaja Bahadur of Nadia that a scheme for excavating the Bhairab was ready and would be given effect to but what has yet been done for it? I know, Sir, I shall be told that Government are in want of funds. But, Sir, the question of want of funds does not come in when it is a question of finding money for the police, their pay and other conveniences. I would again repeat that it is the duty of all civilised governments to look after the health of their people and this Government if it claims to be a civilised government should at once take up this Bhairab scheme which so intimately affects the three districts of Nadia, Jessore and Khulna and save the people of those districts from starvation and death. With these words I support the resolution.

5-15 p.m.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Sir, with reference to the remarks made by Mr. H. S. Suhrawardy, I might say that this scheme is too far advanced to wait for the advice of Sir William Willcocks, and in fact, Sir, it has got nothing to do with Sir William Willcocks' proposals, as we all know. Sir, the whole question is intimately bound up on the one hand with the technical problems of the Irrigation Department and on the other hand with that of public health in Jessore, Nadia, and, as my friend just now said, perhaps Khulna. Sir, as has already been admitted by the Hon'ble Member in charge of Irrigation, the matter had, till recently, been dealt with by the Irrigation Department. Now, Sir, we in the Public Health Department have taken up this scheme, and I can assure the House that we shall expedite the proceedings in connection with these projects. Sir, a reference has been made to the statement of the late Maharaja Bahadur of Nadia made in this House that all difficulties had been overcome. Much capital has been made of this statemeut by the mover of the resolution, but I might say that the Maharaja Bahadur of Nadia referred to the part of work with which his own department was concerned, namely, the technical aspect of the scheme, and what the Maharaja Bahadur meant was that the technical difficulties had been overcome. Sir, the proceedings in connection with the Bhairab scheme are now being conducted under Bengal Act VI of 1920, that is, the Village Agricultural and Sanitary Improvement Act, and, Sir, we are in fact half way through the proceedings under this Act. Sir, the proceedings under this Act, I ought to say, and my friend, Maulvi Majid Baksh, ought to know as a lawyer, are slow, tedious, and laborious. Sir, when proceedings under this Act are going on, all statutory powers and functions rest with the Collector, and the Act itself stands in the way of Government to intervene until the whole proceedings are completed. Unless the proceedings are completed the

hands of Government are tied and we can do nothing in the matter. Sir, we understand from the local authorities that the Bhairab project is being discussed by a committee appointed under section 9 of this Act, whose final report has not yet been received. I may mention here that the District Board have expressed their unwillingness to meet any part of the capital cost, and I do not know why my friend Maulvi Majid Baksh did not refer to this, though he said that the people were willing to bear the whole cost. However, Sir, it remains to ascertain how much of the capital cost is likely to be met by recoveries and how the balance could be found. Until the final report is received in due form the question of providing funds by the Government does not arise at all, but I would assure the mover as also the House that when the scheme is put into operation, Government will see that necessary funds are available to carry the project out. And, Sir, there is another matter—another important factor, I may say—which might delay the carrying out of this scheme, and that is the scheme which is mentioned in the second part of the mover's resolution, I mean the Nabaganga-Mathabhanga scheme. It has been said by some of the experts, and presumably admitted by the mover, that this scheme is a necessary preliminary to the construction of the Bhairab scheme; but this scheme has just been prepared by the engineers and at present is under the examination of the Irrigation Department, and, therefore, Sir, it lies outside the purview of my department. Sir, as I have assured the hon'ble member, the whole thing will be expedited, and I can assure him as well that we all equally agree with him to see that the residents of Jessore regain their former health and become as vigorous as the Jessore *kosa*.

I hope the hon'ble member will see his way to withdraw the motion.

Maulvi SYED MAJID BAKSH: Sir, the Minister in charge of Local Self-Government Department again requests me to withdraw the resolution, but I may refer him to the proceedings of 17th August, 1925, where we find that on a similar request made by the late Maharaja Bahadur of Nadia five years ago my predecessor here withdrew the resolution he had brought forward on the subject. Now, Sir, five years have gone by and still the Government has not been awakened from its slumber and so it is very difficult to accede to the request of the Hon'ble Minister now. We have bitter experience of the past.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: On a point of order, Sir. May I point out that there is no question at present of providing funds, because Government are prepared to provide funds as soon as the schemes are ready.

Mr. PRESIDENT: How do you call it a point of order?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I was pointing this out, so that the hon'ble member might not press his resolution.

Mr. PRESIDENT: That is not a point of order.

Maulvi SYED MAJID BAKSH: Sir, I was pointing out that if I withdraw the resoltuion now, Government will again lapse into a somnolent state. As regards the objection raised about the impediments created by the Sanitary Drainage Act, I know as a member of the Jessore District Board what is going on. By the time the money is found all these impediments will be removed. The previous Magistrate of Jessore was, and the present Magistrate is, up and doing and the scheme is ready, and the only thing that remains to be done is to bring it within the four corners of the Sanitary Drainage Act. This is only a formal impediment. I can assure my friend that if he expedites the matter he will see that the provisions of the Sanitary Drainage Act will be complied with. Only some formalities remain to be observed. It is no use withdrawing the resolution now, on the other hand I think this will put a spur on Government to expedite the matter.

The motion of Maulvi Syed Majid Baksh was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Barma, Rai Sahib Panchanan.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Ashrafuddin.
Choudhury, Maulvi Nurul Absar.
Chowdhury, Haji Sadi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Fazlullah, Maulvi Muhammad.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Azizul.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Lal Muhammad, Haji.
Poddar, Seth Hunuman Prosad.
Rahman, Mr. A. F. M. Abdur-
Raikat, Mr. Prosanna Deb.
Ray Choudhury, Babu Satish Chandra.
Rout, Babu Hosani.
Roy, Babu Satyendra Nath.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Roy, Mr. Sarat Kumar.
Ray Choudhuri, Babu Hem Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Dain, Mr. G. R.
Dash, Mr. A. J.
Hassan, Mr. S. A.
Farequi, the Hon'ble Khan Bahadur N. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Sahib Sushi Kumar.
Ghosh, Mr. M. C.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Mr. P. N.
Gurner, Mr. G. W.
Hogg, Mr. G. P.

Hubbinge, Mr. R. H.
Khan, Mr. Razaur Rahman.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. M.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Prentice, Mr. W. D. R.
Rahman, Maulvi Azizur.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Stapleton, Mr. H. E.
Tate, Major General Godfrey.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 32 and the Noes 30, the following motion was carried:—

"This Council recommends to the Government that provision be made in the next budget for a sum of Rs. 24,00,000 for the Bhairab Excavation Project as approved by Government under Scheme No. 2 of the Bhairab Drainage Scheme and also provision be made for a sum of Rs. 2,00,000 for the supplementary scheme to the aforesaid scheme."

Adjournment.

The Council was then adjourned till 2-30 p.m., on Thursday, the 20th February, 1930, at the Town Hall, Calcutta.

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